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ISSN 1710-9442

## Legislative Assembly of Ontario

Second Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Thursday 30 March 2017

# Journal des débats (Hansard)

Jeudi 30 mars 2017

## Standing Committee on Justice Policy

Supporting Children, Youth  
and Families Act, 2017

## Comité permanent de la justice

Loi de 2017 sur le soutien  
à l'enfance, à la jeunesse  
et à la famille

Chair: Shafiq Qaadri  
Clerk: Christopher Tyrell

Président : Shafiq Qaadri  
Greffier : Christopher Tyrell



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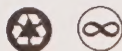
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Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
JUSTICE POLICYCOMITÉ PERMANENT  
DE LA JUSTICE

Thursday 30 March 2017

Jeudi 30 mars 2017

*The committee met at 0835 in committee room 1.*SUPPORTING CHILDREN, YOUTH  
AND FAMILIES ACT, 2017LOI DE 2017 SUR LE SOUTIEN  
À L'ENFANCE, À LA JEUNESSE  
ET À LA FAMILLE

Consideration of the following bill:

Bill 89, An Act to enact the Child, Youth and Family Services Act, 2017, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts / Projet de loi 89, Loi édictant la Loi de 2017 sur les services à l'enfance, à la jeunesse et à la famille, modifiant et abrogeant la Loi sur les services à l'enfance et à la famille et apportant des modifications connexes à d'autres lois.

**Le Président (M. Shafiq Qaadri):** Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice.

Colleagues and members of the public and others, welcome.

As you know, we're here to consider Bill 89, An Act to enact the Child, Youth and Family Services Act, 2017, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts. We have a number of presenters going all the way until approximately 6 p.m.

We will start with a motion Ms. Martow moved yesterday. Perhaps I'll have you read it, Ms. Martow.

**Mrs. Gila Martow:** That the Minister of Children and Youth Services be invited to address the committee on Bill 89.

**The Chair (Mr. Shafiq Qaadri):** Okay. We'll proceed to the vote.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** The floor is open for questions or comments. Ms. Kiwala, then Miss Taylor.

**Ms. Sophie Kiwala:** I move that we defer consideration of this motion and that we postpone consideration.

**The Chair (Mr. Shafiq Qaadri):** Fine. I'm told that, procedurally, a dilatory motion—meaning, to delay the motion—must be voted upon now, so we will consider that.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Miss Taylor, I need to proceed with that vote.

Those in favour of Ms. Kiwala's motion to defer—

**Mr. Mike Colle:** Can we have a five-minute recess?

*Interjection.*

**Mr. Mike Colle:** No? We're doing it? Okay.

**The Chair (Mr. Shafiq Qaadri):** Just to be clear, we are now voting on not the motion, but the motion to delay consideration of the motion, otherwise known as a dilatory motion. Those in favour of the dilatory motion? Those opposed? That motion has carried. The dilatory motion has passed, so we will now defer consideration of this.

We now proceed to the general meeting.

OFFICE OF THE PROVINCIAL ADVOCATE  
FOR CHILDREN AND YOUTH

**The Chair (Mr. Shafiq Qaadri):** I would now invite Mr. Irwin Elman, Provincial Advocate for Children and Youth, and colleagues to please come forward. Welcome. You may know the protocol: You will have 30 minutes in which to make your address, and then we'll divide it up evenly, for questions, into segments of 10 minutes each, beginning, I believe, with the PCs.

Your time officially begins now. Please do introduce yourselves.

**Mr. Irwin Elman:** Hello. My name is Irwin Elman. I'm the Provincial Advocate for Children and Youth.

**Ms. Allison Guzman:** My name is Allison Guzman. I am a youth.

**Mr. Paul Chapman:** My name is Paul Chapman. I'm a former youth in care.

**Ms. Ashley Ash:** My name is Ashley Ash. I am a youth amplifier at the office of the provincial advocate.

**Mr. Irwin Elman:** If you could help me: I want to take 10 minutes and then give my time to the people with me, so give me some notice, if you can, when my 10 minutes are up.

I want to thank the committee for giving us the time to be here today. It's an honour to be provided with half an hour to speak to you and to answer questions after. I decided to share my time with some young people, and I want to tell you why. I think it's important.

About five years ago—perhaps a little more—young people sat in a hearing room just like this, down the hall, and they held hearings of their own. They sat where you



were, Mr. Chair, and they sat just in front of me, just like you are there. They held hearings. Deputy ministers came, young people came, and they talked about how to create better outcomes for young people in the child welfare system.

Seven hundred people came to those hearings. It was very powerful. Those young people created a moment that opened up a system that was closed for over 100 years—I mean that literally; over 100 years—where discussions about that system were held behind closed doors, where young people never had a chance to participate, where many service providers never had a chance to participate, where the public never had a chance to participate.

It wasn't surprising that those young people heard and were talking about a system that had many faults. When they held those hearings, it was like a house had been shuttered, closed shut for many years, and those young people opened the windows, drew the drapes and allowed sunlight and fresh air to come into that house.

After that, they continued with *My Real Life Book*. They were at Jeffrey Baldwin's inquest and helped speak for Jeffrey at his inquest. They were at Katelynn Sampson's inquest and helped speak for Katelynn at her inquest.

Some of those young people we've lost along the way, because they were victims, in a sense, of a system that wasn't working for them. I think of Vera and I think of Britney, not with us any longer. Those young people, with their courage over the last five years in opening the system, have created an opportunity for you, and now you are holding hearings about how to create a system.

0840

Frankly, you have an opportunity that has never been had in this province before. I'm telling you, it's the truth. You have stakeholder after stakeholder who will support you, including the system itself, to change whatever you desire to change. You can do anything. You couldn't before. It was closed; there would be too much resistance. You have the support of stakeholder after stakeholder; the system, sector after sector; the public—and, by the way, you have the support of young people to make whatever change you want. They thirst for change. I feel it: They thirst for change. And you have that opportunity.

That's why I say this bill is courageous. It needs to be courageous. The moment is historic. The bill can be historic. I want to impress that upon you.

These hearings were called and, really, they were called with no notice, but young people put their hands up and said, "We need to be there. We want to speak." As one young person said, "I lived for 17 years in care, and I have to live with the consequences of the legislation that you are considering and that you are considering changing. Seventeen years, and now I live the rest of my life with those consequences. I think I need my five minutes in front of the committee."

So many young people, even without notice, said, "I want to be here." Some might not have gotten a chance,

so I want to share my time with some of them, so that many young people get the chance. The reason I want to do that is to honour them, because they have created this moment.

But it's also because every comma, every decision, every clause is not about services. They are not about whether I put it in a newspaper, and they're not about weasel words. They're not about those things. They are about the young people before you.

Every darned decision you make is about a child, and there is no more important business for the state in the life of a child than the decision to take that child from their home. There is no more important decision or more important business you will ever be involved in, in your role as a legislator, than deciding whether a child is in need of protection and how that will be done so that they don't die in their home. You cannot make a more important decision today. That's why these hearings are important.

You need to hear these young people, I believe, to know that every decision you make is about them, and to give you the courage—because it works for me, and I hope it works for you—to do what you know needs to be done, what you believe needs to be done, and not because of liability, not because of political considerations, not even to think about funding right now. It's about children, and the ones before you who are speaking for many, many others and certainly speaking for ones that we've lost.

I have a lot to say, but I'm going to try to close. We've made a lot of amendments—I think I was told it was 89—and we didn't do that on purpose. We had no idea it was Bill 89, but there is some symmetry there. I know that's a lot of amendments. They're all designed to strengthen the act.

What young people told us was that the preamble is nice. It's really important, the commitment to anti-racism, the commitment to indigenous child welfare, the commitment to child-centred practice, the commitment to children's voice, children's rights. That's very important, but they didn't see themselves in the bill or those principles further on, so all of our amendments are about that.

There are pieces in the act that we think work against those nice principles. Secure isolation or solitary confinement is one of those things that just in no way fits with children's voice or children's rights or child-centred practice. We ask for those pieces to be removed.

There are pieces that aren't there. When you look at Katelynn's Principle or the commitment to children's voice, there's a piece in there that speaks to the right of the child to participate. But the important thing that is missing, and that I want to highlight, is the right of a child for support to participate. Somehow that's not there, and it's a simple change. It's in our recommendation 2.1(b). Children need the right for support to participate.

Let me say this about Katelynn, because I was at that inquest too. Yes, we missed her. Nobody asked her if she was okay. It was a tragedy, and that's why the jury put this recommendation of Katelynn's Principle together.



They also had the wisdom, and young people crafted that principle, to put in the right to support, because they knew that if somebody in that instance had gone to Katelynn, this little child—seven, eight years old—and said, “Are you okay?” the likelihood is that she might have said, “I’m fine”—because the right to participate happens in relationship. It happens with support. Young people know that, and that’s why they put that in that principle. I would encourage you to include it. If somebody tells you, because when I pressed—

**The Chair (Mr. Shafiq Qaadri):** You’re at nine minutes of your 30.

**Mr. Irwin Elman:** Thank you. When I pressed—if somebody tells you, “Well, that word ‘support’ can be interpreted in different ways by people,” please tell those people who say that, because it’s likely going to be a lawyer: “That’s what regs are for.” That’s what they tell me all the time. I’d love to be there when you tell that lawyer, “That’s what regs are for.” Put what you know is important in that act. Listen to the young people.

The last thing: I often say to government that all of what I’m telling you, young people often tell me. They sometimes say to us, “What do you want us to do with that? We can’t legislate love.” I say to you, and I said to government, “I get that you can’t legislate love, but you can legislate the conditions in which love can flourish.”

I’m telling you that’s what you have the opportunity to do today. Every one of our amendments, and many others from other stakeholders, is an opportunity for you to legislate the conditions in which love can exist. In questions I can answer that more, but I’m telling you that you have that opportunity.

Let me give the floor to the young people.

**Mr. Mike Colle:** Point of order: Is there a written submission?

**Mr. Irwin Elman:** Yes.

**Mr. Mike Colle:** You talk about amendments and stuff. Can we see it?

**Mr. Irwin Elman:** We provided our submission to the Clerk.

**Interjection:** It’s in our package from yesterday.

**The Clerk of the Committee (Mr. Christopher Tyrell):** Yes, it was part of the package yesterday that was handed out.

**Ms. Allison Guzman:** We often leave our homes with a few key items or else we’ll feel empty, like our IDs, our headphones, our money and our phone. I came across a devotional the other day that has some really relevant information regardless of your beliefs. That was that you can never leave anywhere without love in order to have a successful, happy life.

In care, there were many times that I left my home, my residential home, feeling really unloved, feeling uncared for. Yes, I did have food. Yes, I had water. I had shelter. However, because of the environment, I did not feel the support. I just find that—what’s the point of taking a child away from their biological home where they are getting neglected and abused just to be put into another situation where they are also getting neglected,

however it’s just in a different way? It’s neglect, regardless.

There are many young kids who have no idea what Bill 89 is, and they have no idea what their rights are. I believe the main point of this bill is for the young kids in care. It would make more sense for them to know what’s going on and to have a full understanding. Because kids are not as informed in these decisions—not only these decisions, but decisions in their own lives—like Irwin said, there’s a big, giant lack of respect there.

As kids, we deserve that respect. These are our lives that you’re affecting. We are the ones who have to live through this. We are the ones who have to continue our whole lives knowing that we were wronged as children. And as children, we didn’t know that we were wronged, because we were young and naive. We are not plants. We don’t just need water and sunlight to survive. We need so much more.

I feel that in care we are often dismissed in every aspect of our lives. We’re given titles and labels—“crown ward,” “ADHD” and other countless unnecessary labels that are very dehumanizing—and that’s what needs to change. Until youth are seen as people who have rights that must be held up, there will be no changes in the system. We cannot rely on the voices of people who have never lived in our situations to change what happens, without them hearing our voices. Without our voices, nothing is going to change.

0850

I’m very grateful for this opportunity to be able to come here and speak on behalf of the thousands of youth in care in Ontario who do not have this opportunity. I believe that you guys do have a very important place in this bill, and I believe that you guys can make change. I just would hope that you guys do take everything into consideration when making the changes and take into consideration that there are many, many children who will not be given an opportunity to live their full potential without this bill being really taken seriously and really looked at with what the kids and youth in care need as a priority.

**The Chair (Mr. Shafiq Qaadri):** Thank you. You’re at 14 minutes and 25 seconds of 30. Go ahead.

**Mr. Paul Chapman:** I’ve been a part of the CAS since I was nine years old. I’m now 25, so I’ve aged out of care, as of right now. Since nine, I’ve had the bitter-sweet experience, I guess you could say, to have experienced different aspects of youth experience in terms of being in group homes, being in foster homes, having gotten in trouble as a young person while in the care of the CAS, seeing the youth justice side, and even living with youth who have had mental health issues. All of this is under one piece of legislation that we’re talking about today.

This legislation is, I’m sure as you guys know, really, really important and it really stretches beyond just the youth who are in this room. I’ve gotten the opportunity to travel throughout this province and speak to different youth in care and different youth on different aspects. The messages that I’ve heard are the same.



I often struggle a lot of times with coming to events and hearings of this nature, because a lot of times I often feel that when I leave—and I reflect on the event that had just taken place—I feel like a lot of the times many of the voices of young people are falling on deaf ears because time and time again we have to have these conversations and we have to look at, “What are we doing wrong?” How many years later are we finally sitting down and looking at this piece of legislation that hasn’t changed in so long?

Right now, we have such an important mission, an important duty—a responsibility, actually—to youth and young people that this province of ours services. I think it’s so important that we get it right this time.

My primary goal for coming here today is to give you guys a bit of insight as to what happens after care, what the effects of this legislation are as it has been so far, like what has happened. I can tell you, just from my life alone, it hasn’t been a walk in the park. I wish that a lot of these changes and these recommendations that are before you guys today were implemented a long time ago, because I think a lot of the outcomes for the youth could have been a lot better.

I’ve met so many young people. There are often times where I sit up and I think about, “Whatever happened to Chris? Whatever happened to Tom?” It has me worried. It has me worried that I don’t know if we’re going to get it right. Even looking around this room, and I’m looking at the MPPs’ faces, I’m trying to gauge as to whether you guys have a real and vested interest. Do you guys really care about what’s going to happen with this legislation? Do you guys really care about the children of this province? Because we are your children. We are your children. I was your child.

I was taken away from my mother at nine years old, just like my brothers and my sisters, so you guys became my parents, my mothers, my fathers, right? That’s a big responsibility. You guys would want the best for your own biological children. You guys would want the absolute best—the best opportunities, the best schools, the best treatment or whatever. You guys would want the best for your children.

You guys made a responsibility to us—this province. I want to be here. My prime goal for being here is to try to hold you guys accountable to the changes that you guys are going to make in this legislation.

I am your child, you know? We are your children. You guys can’t legislate love, but you guys can do your best, like Irwin said, to create an environment where love can flourish. You can’t really put it in better words, I don’t think.

It’s the environments which we grew up in that caused us to be in care, that caused us to be in the criminal justice system. Change our environments.

I’m just here to hold you guys accountable. Thank you.

**Mr. Irwin Elman:** I think I have a couple of minutes?

**The Chair (Mr. Shafiq Qadri):** You have 10 minutes.

**Mr. Irwin Elman:** Oh, great—well, great for me and, I hope, for you too.

Let me speak about simple changes that you have in our package.

In one section of the act, there is a section about residential placement review. In the residential placement review, it says that young people and others have a right to request a placement review change. If you don’t like where you’re living, you can ask for a change. It’s a relatively complicated system, but you get the idea.

Even if a young person without support—because it’s not in the bill, but it needs to be—says, “Yes, I want a placement review,” then it says the committee meets—right now, the bill says a committee of one meets; we have a recommendation about that too. The committee meets and says, “Okay, we heard you, and we’re going to make a decision.”

It says that the committee must give that decision and explain that decision to the service provider, the home—a home, maybe, where the child wants to go. If the child has a representative—I think that’s how the bill states it—give the decision to the representative. It also says—because I think it thinks that it’s doing child participation—that the committee should explain the decision to the child, if the child is capable of understanding.

Our suggestion is to say that the committee would explain the decision to the child in a manner in which they can understand—not “if.” For me, listening to what you’ve just heard, if you put that simple change in the act—and there are many others—then it forces that committee, it forces the adults, it puts the onus on the adults to talk to the child—not “if.”

If you’re moving a child from one place to another, the child has a right, in a way in which they can understand, to know why they’re being moved. Kids in care move home to home to home to home to home. We know that; you know that. Read My Real Life Book. But you know that.

They often say that they’re left out of their own lives. They move without knowing sometimes why they’ve been moved. They put their stuff in a garbage bag still, today, and say, “Move. Let’s go. You’re going with me.” If they’re old enough, they’ll say to them, “Take the bus, with your garbage bag.” Sometimes, that still happens; they’re not knowing sometimes why they’re being moved.

It’s not about if the child can understand. It’s in the manner in which the child—and if you create and force, through your action, a simple change like forcing all service providers to think about how they can communicate to the children and youth they’re serving—if you force that, you are legislating the conditions in which love can flourish.

It is crucial to what children and young people are telling you they need, and you have the opportunity to find ways to try and provide it.

The other thing I want to say is that we’ve talked to many, many stakeholders. I can’t speak to everything in our submission. There are things in our submission that



are missing, because we felt it more important to let other stakeholders speak, and we support them.

I hope you receive written or oral submissions from the African Canadian community. We spent a lot of time talking to them. There is a commitment to anti-racism in the act, and it's important, crucial, but even there, we don't see it in the rest of the bill.

0900

I'll give you an example in our recommendations. The recommendation should be, we think, that in all placement considerations in deciding where a child should live, for African Canadian young people we should decide considering race and culture. Why not? Why isn't that in the bill if we make a commitment to anti-racism? Why don't we name African Canadians? We have a whole secretariat now—legislation in front of the Legislature—we can name African Canadians as an over-represented group in this act.

Indigenous people: There's a commitment to Jordan's Principle. We think there should be a definition of Jordan's Principle, so that there's something that we can hold the legislation to and hold the service providers to.

I just want to say a word about the front end. One of the things that's missing in the act—and we didn't make recommendations, but I feel I need to say it. We need to say to young people and children in the province, "We will protect you." We need to say to all young people in the province, "Whatever you need in order to reach your potential, you will have when you need it."

To families, all sorts of families in the province—kinship care families, biological families, foster families, families that young people create on their own—we need to say to all families in the province, "Thank you. We've got your back. Whatever you need to do right by your children, you will have." This bill doesn't reach that. There's not a vision yet for that in this province. But on the front end, when we're thinking about child protection, we need to remember that promise we want to make to families, and we know that for families that get involved with child protection services, with children's aid societies it is a difficult process; it's a legal process. We need to remember those parents too and those families too and find a way—and I hope you hear from them—to listen and see if there's a way of supporting those parents to navigate through the system. I feel I need to speak to that as well.

The last thing I want to say is thank you to the young people with me. Thanks to the young people I don't even know who will speak to you while you're having the hearings, and I think you know how much courage it takes to do that. It's courage to tell you their business—"Yes, I understand that." But now listening to Paul, too—and I've heard it before from other young people—is courage to hope, courage to hope that something will change, fundamentally something will change. You have the opportunity to do that even in those small amendments that you think—this idea of changing the right to be told in a way you can understand, that's not fundamental, but it is. This is where the fundamental change

lies. Don't shy away from it; have the courage. That's why I say this bill can be historic if you have the courage to not shy away from what might seem hard, a liability or definitions. Have the courage to do what fundamentally needs to be changed, and remember the young people who speak to you because it's about them. Remember their hope that their voice will affect you to make the change that they know is right. I'll leave it there.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Elman, Ms. Guzman, Mr. Chapman. We'll now move to the PC side. Ms. Martow, 10 minutes.

**Mrs. Gila Martow:** Thank you very much. Some of your colleagues were in my office last week, Irwin—I think Trevor and Diana Cooke.

**Mr. Irwin Elman:** Yes, Diana.

**Mrs. Gila Martow:** We had a great meeting. You're working with great people, and I have some great youth helping as well.

**Mr. Irwin Elman:** Thank you.

**Mrs. Gila Martow:** It gives us hope to see that kids who have been, unfortunately, in the system—and it is a system. You're right that it could be a lot better. That's why we're here listening to the community. Actually, we had to fight to get extra time because there was so much interest. We're very limited in committee with time sometimes, so I'm glad that we're able to hear from so many people.

I just want to mention a couple of things and then ask you a couple of questions. My late mother was a very quiet, petite person—she was small like me, but a lot quieter than me. She had four kids, even though she was a chartered accountant at a time in the late 1950s when there was only one woman who became a chartered accountant in the province of Quebec, and that was her. So you can imagine the difficult time that she had.

I remember walking with her when I was about eight years old, and we heard screaming from a house. A kid and a mother both were screaming. My mother was not very athletic, but she ran—because it was before cell-phones, right? We ran and ran and ran, and I really didn't know what was going on. I just figured there was a fight going on, but my mother was concerned. We ran all the way home, and she called the police.

She had to explain it to me. It was a shock to me to hear that there are some—I guess the word is "bad parents." It's not how she worded it. I thought she was very courageous at the time, because those people had neighbours who probably weren't calling. The police came to our house and spoke to her about what she heard.

Very soon afterwards, she was on the phone with a friend of hers who said that their kid was bad. She told the kid, "You're a bad boy." That's exactly the term; hopefully parents don't say that to their kids too often. I remember my mother, again, who was—in those days they used to use the term "mousy." I know we're talking about not using labels, but that's what people used to say about her—that she whispered. Again, all of a sudden this courageous person came out who said, "There are no bad children. In fact, if you tell a child, a boy or a girl,



that they're bad, they'll show you what bad is. They'll become bad. They'll say, 'Yeah? You think I'm bad? I'll show you what bad is.'"

I was lucky to have somebody who really understood. I had three siblings, and I think that I had parents who really understood that kids aren't just an offshoot of you; they're their own personalities. You need to push them to find their independence and develop life skills and all that.

Unfortunately, not all children have the same opportunities, and I understand that. I think it's hard sometimes for people who are in care or who have been in care—it must be very difficult to see families, what I call the "Disney families"—the mom, the dad and the kids going on vacations and going out for lunch. It must be very hard to see that and to say, "Why couldn't I have had that?"

It's our job here to hear from the community what we can do to ensure that—we can't legislate love, as you said, but to do our best so that kids can have a nurturing environment. I worked at summer camps, my kids now work at summer camps and went to summer camps, and I don't know if counsellors love their kids at summer camp—some do; maybe some don't so much—but we're nurturing and we care about them, and we create this family unit.

If I talk to some of my friends and my children and my nieces and nephews, they'll say that the best times in their life were being at summer camp. Why? Because especially youth, I think, love creating that family unit. They take their family unit for granted—"Yeah, my mother, my father"—you don't appreciate your parents, I think, until you have kids of your own, maybe. But everybody likes to build that nurturing environment.

So the question is: The preamble within this piece of legislation—there are some preambles that say it's going to be child-centred, and then you get into the meat of the bill and it's a little bit lacking in that direction. We're hearing that from a lot of stakeholders and children—not children, but youth and former children in care. What can we do to create the best possible—obviously we want to help families; that should be the first thing, for children to stay with their families. We all agree with that. But unfortunately, this piece of legislation is looking at when that isn't an option.

0910

What can we do—not just to say we're going to consult the child, but what can we do to ensure that the children feel that they have the ability to have a voice and to also create for themselves a family unit, whether it's with other kids in care or foster parents or workers?

**Mr. Irwin Elman:** Can I answer that first?

*Interjection.*

**Mr. Irwin Elman:** Yes?

**Mr. Paul Chapman:** Yes.

**Mr. Irwin Elman:** It's the crucial question. I think it's a crucial question for you and it's why I emphasize this idea of support. We put in place many of our recommendations about ensuring there are points where

the children are consulted. If you're going to investigate a group home, it makes sense to tell the children in that home, and talk to them, obviously. It's not in the bill, but we have amendments about that. So if you're investigating, they should have the right to know and the right to be talked to.

I want to go back to the idea of support and why that is so important to place in the act. That's where what you're talking about exists. There is this thing where there is always a gap between your words that you're writing down in the legislation and what it's like on the ground for children. There is going to be a gap. Your job is to try to—because you can't legislate what is going to happen on the ground in every home, but you're trying to make that gap not a chasm, which it is today, but a sliver. When you legislate ideas like support, you're asking the ministry to go back and create regulation and policy and strategies: "Okay, it's actually law now, we have to support young people to use their voice, to participate. How do we do that?"

When young people talk about being heard, I often—when I talk to my wife about this—gosh, it's going to be in Hansard now. But when I talk to my wife about this, she says, "Yes, Irwin, it's not about being heard. You know, Irwin, when you come home and you've worked all day and I'm talking to you and you didn't hear a thing I said." I go, "Oh, yes, I did, dear"—I don't call her "dear." But I say, "Yes, I did." And then I repeat back exactly what she told me. I don't know if any of you have been in that situation, but she says, "That's my point"—really being heard.

If you force in your legislation a conversation on the ground among service providers about "What do we do in order to really hear children?" there will be discussion. There will be discussion about caseload, about social workers, about who the child goes to, who needs to be the one who hears, how we do case management. It will change and they will have to make that decision with young people. They'll talk about that strategy with young people, all of which will create change. That's where what you're talking about—where young people will find people like your mom in their lives. That's how that will happen, and you can make that happen. You can force that, and that's where this can be a revolutionary, historic moment for the system.

**Mrs. Gila Martow:** I would just add to that, again, that I think we're trying to move toward that voice of the children and the youth being heard. I would just also say that it is challenging. A lot of the kids have traumas—emotional and physical traumas. They could have been born with fetal alcohol syndrome or other problems. Today we're talking about autism awareness day, so there are those challenges.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martow. The floor now passes to Miss Taylor of the NDP: 10 minutes.

**Miss Monique Taylor:** Thank you so much, all of you, for being here, for taking part in this, for being brave and courageous and stepping outside of your box,



because we all have a box. You've grown up in a system that is so difficult, and you've decided to take that inner strength and do something good with it.

My first duty as an elected MPP and as the NDP critic for children and youth services was to attend the Youth Leaving Care Hearings. So I feel like I've been in this process since the beginning, through all of the different works that you've empowered our youth with, *Irwin: My Real Life Book*; *Our Voice Our Turn*; *Feathers of Hope*; *HairStory*; and the list goes on—all pieces that would never have existed before in the 100 years of no participation. Thank you for that work.

I really hope that the government heard you when you spoke this morning. I hope that they heard the importance from all of you of what this means to our youth, going forward; that bringing a bill forward isn't going to change the lives of our young people and isn't going to change the system that you have been caught in—not voluntarily; you didn't choose to be there.

This legislation, going forward, needs to ensure that children coming forward in this system are treated with respect, are heard, will not face some of the issues that you have faced and that other youth have faced, who have been through the many systems that will be captured in this legislation.

So that is my plea: that they hear you, that they take the recommendations seriously, that they know you are the centre of this bill and that your voices need to be heard, not just today in committee, not just with a poster on the wall of education saying, "We hear you and we're including you", but with real impact. We can be brave at this time, we can be courageous and do anything we want to make this world a better place, but it takes all of us being involved in that and stepping out of our own boxes, as these youth have done for the last six years since the Youth Leaving Care Hearings.

To me, it's incredibly overwhelming emotion—as you can see, I'm sure—knowing the importance of this, as we move forward.

It's our responsibility to get this right. It's not about politics. It's not about who is going to win on an amendment or not. It's not about who gets a say and who doesn't. It's about making sure that our kids, from now on, have a basis which is going to support them.

I just really wanted to say thank you—thank you, thank you, thank you, thank you—for all of the children's lives that you will affect in the future.

I'm sorry—but I can't apologize for feeling this way because I've been through this process right from the very beginning. I've watched these youth grow. I have watched youth who came before us who are now part of youth organizations, who have made a life out of the troubles that they have faced in their lives. That is from *Irwin's* empowerment and from the leadership that has come from this.

We really can't miss this opportunity. We have to be bold. We can have lawyers say, "You can't do that. It has never been like that"—well, that's not what this is about. This is about changing our future, and this is where we

start, because the youth are the foundation of every single ministry in this government. Every single ministry in this government starts with our kids. If we can't get our kids right—kids who have already been failed, through no fault of their own—then how are we ever possibly going to get things right?

**0920**

Maybe I'll start with you, Jermaine. Tell me: You've obviously spent a lot of time with *Irwin* and in the office and with all of these recommendations and have been part of these recommendations. I'll open it up to all of you.

Tell me, just one piece of legislation, *Katelynn's Principle*: How would that—being the child, being the centre, the focus, the decision and having the advocacy to follow it, how would that make a difference in what you have been through in your life?

**Mr. Paul Chapman:** I just think having youth at the centre of all conversations is going to be fundamental to make any tangible changes to this legislation. Like I said, it all starts with the attitudes towards youth and young people. I think a lot of times, even me being a young adult—a lot of times we think young people are naive or they don't understand even the comment that you made earlier about whether you should tell the child whether they're moving or not, if they're capable of understanding that. That attitude has been a part of youth in care for as long as I can remember. That attitude is youth not being able to handle it or understand or comprehend. I think that attitude needs to change tremendously because youth are smart, as you've seen. Youth are really smart; youth are really brave; they're really courageous. I think having the voice of young people at the centre of this is the only way we're going to actually make any type of change or move in any type of positive direction at all.

Like I said, going around, having the opportunity to travel this province and speak to youth from all different walks of life, I've been so amazed and so humbled at just the amount of intelligence and dedication and awareness that youth have about what's actually going on in their lives. Me being 25 now and not really seeing inside a group home for the last 10 years, but still being able to connect with youth who are in care or former youth in care, to see that things are not really that much different, tells me really plainly and clearly that what we have been doing isn't working.

I want to commend the government and this province for even sitting down and having this conversation now because it has been such a long time coming. I think that *Katelynn's Principle*—just having youth at the focus of all conversations is really essential in any changes that we're going to see moving forward.

**Miss Monique Taylor:** Ashley, you've been sitting really quiet at the end of the table. Do you want to talk to us?

**Ms. Ashley Ash:** I am talking right after, so you'll hear.

**Miss Monique Taylor:** Okay. Allison, anything else to say?



**Ms. Allison Guzman:** Can you repeat the question, please?

**Miss Monique Taylor:** Honestly, it's just something that I want to leave open to you. You know the recommendations because you've helped build these recommendations. How important are these to youth going forward and what difference would they have made in your life? Just tell us.

**Ms. Allison Guzman:** In a perfect world, every single one of the suggestions that we've made from the advocate's office, with the help of Irwin, would be followed.

In my experience of care—I just moved out of my group home a couple of weeks ago, actually. It took a long time for me to—it was a mess. Really, it was a mess. There was a point in time when I wanted to stay longer, but I wasn't allowed to because of ministry rules. I had to call the advocate's office and then I had to get this, that, whatever.

I had one question: Can I stay longer? It turned into something that completely had nothing to do with me. The whole thing of me wanting to stay longer because I wanted the support was kind of thrown out the window. It turned into, "Okay, well, the children's aid is doing this, so you have to be doing this." It's not, "Okay, Allison, we are here for your best interests so you tell us what you need." It's, "Allison, this is what you have to do in order to make everything work."

I believe that it's our lives. Like I said, it's our lives as youth in care that are being affected.

**The Chair (Mr. Shafiq Qaadri):** With apologies, thank you, Miss Taylor. I now have to offer the floor to the government side. Ms. Kiwala, 10 minutes.

**Ms. Sophie Kiwala:** Irwin, I would like to thank you for your work. I think that there is not one person in this room, there is not one of my fellow colleagues on any side of the House, who debates that this legislation is extremely important. We know that you have been at the forefront and you are always present advocating for children. I just wanted to take a moment to acknowledge you for your work.

Allison—and I believe your name is Paul; is that correct?

**Mr. Paul Chapman:** Correct.

**Ms. Sophie Kiwala:** Allison and Paul: Thank you so much for your very, very powerful testimonies.

Paul, you said a couple of things that I just wanted to touch upon quickly—that you hope that we are listening. The one thing that I do want to assure you is that we are listening. I know that this is very difficult for you to stop the progress, in a sense, that you've made in your life to come here and to unearth some of your own emotional stories. They have had a profound impact—both of you, Allison and Paul—on the committee, and I know that you do that. There's a little bit of self-sacrifice there because I know that you do that for the children of the future. I can say as the parliamentary assistant to the Minister of Children and Youth Services that this is exactly what we're here for. It's for the children of the future. We're all on the same page.

I also want to acknowledge the two critics for their work. MPP Taylor, you've been at it, I think, a little bit longer than MPP Martow, but you've both done a great job. There's not one person in this room who has any argument with the fact that children are at the core of this legislation, and they will continue to be so.

I just wanted to highlight a couple of details within some of the new legislation, just so that it's on the record and it provides a little bit of a framework for where I'm going to go next. In the preamble, the government commits to principles that services provided to children and families should be child-centred. They will be child-centred.

It says that we will help maintain connections to your communities. Allison, you brought that up; it's very important. You don't want to go from one situation that is not focused on children to another one that also has some problems. We understand that.

Systemic racism and the barriers that it creates for children and families: We want to ensure that you will receive services and that the issues of systemic racism will be addressed as well.

With respect to general rights around children, the general rights section recognizes:

—that children and youth will be receiving services under the CFSA and have rights to express their views freely and safely about matters that affect them. That comes back to the point about language that is understood by children;

—that you'll have your views given due weight in accordance with your age and maturity. Again, that it will be in a language that you understand, at all ages;

—that you'll be consulted on the nature of services that you're receiving and advised of the decisions made;

—that concerns will be raised, or recommended changes, without interference or fear of coercion, discrimination or reprisal; and

—that a youth's identity will be given due consideration, as well, with respect to culture, race and sexual orientation.

That's in the language already. I can't tell you how strongly I feel about this. Like all of you, we are so glad that we're at this point of opening up this legislation and making these changes.

Mr. Elman, you said something that was so beautiful: That we need to "legislate the conditions in which love can exist." I don't think anybody here disagrees with that point.

I just want to come back now to the questions. Your advocacy has been really important to the government and to the ministry in particular, and it was important in the development of the bill. I feel that you have been part of this process all the way along, and I'm very, very pleased around that, especially around the shift to making the child at the centre of the whole child welfare sector. I'm just wondering if you can touch on the importance of this.

0930

**Mr. Irwin Elman:** Speaking of that, I just want to ask Allison: Do you have something to finish there?



**Ms. Allison Guzman:** My main point was just that kids and youth—we know what we need. Sometimes, when we're young or something, we may not be able to articulate it, but we still know what we like and what we don't like. That's why I believe that it's very important that we are informed in everything.

Like Irwin said, if you guys don't think it's appropriate, then find a way to make it appropriate. Find a way to make it make sense to a five-year-old kid that they can't see their dad anymore.

**Ms. Sophie Kiwala:** We agree, and that's why the language is focused on being child-centred.

**Mr. Irwin Elman:** I know the time is up really quickly. I want to say something. Thank you, Monique, for making me cry, and us at the table. I remember you at the hearings when I met you. Frankly, we all cried there too, and yes, it has been a journey.

One of the things I wanted to say that one of the young people said when My Real Life Book was released, and she said it to Minister Hoskins at the time—and it's happening and I want the committee to hold onto that. She said, "I don't want you guys arguing." She was saying it to Minister Hoskins, to the NDP critic, to the PC critic at the time. We don't want you guys arguing. We want you to have a conversation around the dinner table because, as Paul said, we're your kids. Talk as parents co-parenting, because I think she said—and I don't mean this in any negative way—one of you could be our parent today and the other could be the parent tomorrow, because you've got joint custody.

So talk about us, with us, at the dinner table about how we can do better. In that spirit, when you have the deliberations about amendments, work together as if you're co-parenting the children of the province. The children can't be there, because of your process, in that decision, but this is your chance to work in that collegial way to do what you need to do as parents and then figure out how to do it after.

**Ms. Sophie Kiwala:** Thank you. How much time do we have left?

**The Chair (Mr. Shafiq Qaadri):** Two minutes.

**Ms. Sophie Kiwala:** Two minutes, okay.

Can I just ask you quickly as well, Mr. Elman, if there are parts of Katelynn's Principle that you feel are not present in the legislation? Since it is a very child-focused piece of legislation, I'm wondering if you can point out specifically where in the legislation you feel that those principles are lacking.

**Mr. Irwin Elman:** Sure. I have a minute and a half. In our submission, there's a section—I think it's the first section of our submission. There are a number of amendments where we think you can strengthen Katelynn's Principle. I've spoken on support. I think we need to extend Katelynn's Principle to all children, not just children above the age of 12.

There are other ways in our submission—I think it's section 2, with points 1, 2, 3 and 4. I think there were that many suggestions about how to strengthen Katelynn's Principle. So look there.

**Ms. Sophie Kiwala:** Okay, thank you. I'm wondering, Allison and Paul, with just a few seconds left: Do you have any closing words that you would like to give to us? Just from my end, I want to thank you again enormously for the commitment that you have made and the work that you have done and continue to do on behalf of children in this province.

**Mr. Paul Chapman:** Just real quickly, if I could say anything, it would be that if any of you are parents or have children of your own, which I'm sure most or some of you do, when looking at this legislation or looking at this recommendation and going forward, just ask yourself a simple question: If my child was in—

**The Chair (Mr. Shafiq Qaadri):** I need to intervene there. Thanks to you, Mr. Irwin and Ms. Guzman and Mr. Chapman, for your deputation on behalf of the Provincial Advocate for Children and Youth.

## OPACY YOUTH AMPLIFIERS

**The Chair (Mr. Shafiq Qaadri):** Our next presenter, who is ready and on standby: Ms. Ashley Ash. The protocol does change. You will have, Ms. Ash, as you will know, five minutes to make an opening address and then a three-minute rotation of questions. Your time officially begins now, please.

**Ms. Ashley Ash:** Good afternoon, everybody. I could spend my time here talking about my own experiences in care, and I could tell you about all the transitions I had and how I knew first-hand what it was like to not have a say in my own life. I first sat here five years ago at the Youth Leaving Care Hearings, and, I'll tell you, not much has changed. What I'm hearing today from youth is what I heard all those years ago.

I just wanted to share with you today not from my own experience in care but from what I've heard from youth in the system. The tabled Bill 89 has been posed as a historic, child-centric act and a positive step forward for residential services and those who access them in Ontario. As an employee of the Office of the Provincial Advocate for Children and Youth, I have spoken to many communities of young people and I know that the system has failed many of them. This bill is assuredly an improvement, but there are many sections that still do not meet the needs of youth.

My biggest request and concern for you, the committee, is that youth voice and youth rights must be included throughout the act, not just in the preamble. I would like to remind the committee that the only reason we sit here today is because young people spoke up, and have been speaking up, for their rights and needs. But this is not enough. We need the government's support. This system has silenced youth for too long and has failed youth for too long. I would also add that many amplifiers at the office and youth we have listened to express their dissatisfaction with the way this bill has been tabled and the process it has gone through. It was rushed, exclusionary and done so in a way that was not youth-friendly.

Many were not happy with the fact that many youth were not confirmed to speak at the committee hearings



until a few days before, and that the language and manner of the bill is not meant to be scrutinized or be youth-friendly. I understand that the act may be written for judges and lawyers, but youth in care will also reference this act in situations of distress or inquiry.

Many youth do not feel like they are represented in this bill. One youth we spoke to said, "This seems like it protects the rights of social workers and caregivers—everyone but youth." This bill references Katelynn's Principle—although not outright—and the fact that there has been low participation of young people in this bill contradicts the idea that youth would be involved in decisions that would impact their lives.

I have a few themes I would like to discuss with you today. The allowance of mechanical restraints in this bill troubles me and the youth I have spoken to. We have heard young people say that not only are mechanical restraints traumatic and inhumane; they are also largely overused as punishments or for behavioural compliance. We have had some young people tell us that they are restrained upwards of five times a day. It is traumatic for everyone involved but mostly the young person.

You may argue that an outline of appropriate use will follow later in the regulations, but the inclusion of mechanical restraints in this bill legally incites and allows for violence against young people. If you are to keep this, which I highly suggest you don't, you must include a review process that children must be made aware of. The allowance for this clause in the bill does not convey that this measure is meant as a last resort.

Another thing we have heard young people speak up about is the harbouring offence. Most often, the children who will be implicated in this are older youth. This system is already incredibly isolating for youth, and this section only furthers this isolation.

**The Chair (Mr. Shafiq Qaadri):** One minute.

**Ms. Ashley Ash:** Oh, okay.

**The Chair (Mr. Shafiq Qaadri):** One minute left.

**Ms. Ashley Ash:** Instead of looking at the fact that a young person left their residence because they did not feel welcome or safe, this section punishes them for having a safe place to go. This would create tensions in the development of lasting relationships.

There was a lot of contrast in what we heard from young people about raising the age of protection. While it is true that older youth need services, this needs to be done in a way that respects their autonomy. There need to be adequate resources to meet this population's needs. Would there be youth groups, or housing, or placements?

Lastly, while I appreciate the addition of the right to be informed, this must be done throughout a child's time in care, not at initial intake.

0940

Thank you for listening. There is a chance here to make this bill revolutionary, but we must take into account what the youth who have lived through the system are saying, and above all—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Ash. The floor goes to Miss Taylor.

**Miss Monique Taylor:** It's okay. It's my turn, Ashley, so please finish.

**Ms. Ashley Ash:** I just wanted to say that we must take into account what the youth who have lived through the system are saying, and above all we must support and uphold their rights. After all, these are your children, Ontario.

**Miss Monique Taylor:** Thank you, Ashley. Thank you so much for your participation. Thank you for participating for the last six years on this, because it has been a long journey. I'm saddened to hear that nothing has changed since then, because we know no major changes have happened, but that's the purpose of what we're in front of today. I'm hopeful that we can work together to get this right and to make sure that there are changes, so that in the next review process you can come before us and say, "Yes, it's getting better." So congratulations, and thank you for all of the work that you're doing.

Tell me what a difference it would have made in your life to be heard, to be the centre of the conversation.

**Ms. Ashley Ash:** Well I just think that many youth, not just me, have said that decisions are made for us and about us, without us. There is a loss of identity and of control when you're not told what's going on in your own life. For many youth, it's very traumatic not to be told, "Oh, you're leaving your home today. You're going to go to a different—not even a part of your own city, and you're going to stay there now." You're not going to have the same home. You're not going to have the same community. You're not going to have the same friends. It's really traumatic.

All it takes is asking a child what they want. That's all it takes—and listening to it and taking it into account. For some youth: "Yes, I want to stay with my community. I want to stay with my town." Other youth we've heard have said, "No, actually, leaving my community was the best thing that could have happened to me." But the majority of youth we have heard said that when they were asked and consulted, that's when they had a good placement and that's when they had a good quality of care.

**Miss Monique Taylor:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Miss Monique Taylor:** Thirty seconds?

Tell me why you think this process was rushed and exclusionary in 30 seconds.

**Ms. Ashley Ash:** I just think that, again, when Irwin spoke about the fact that the committee hearings weren't even announced and youth had already jumped to speak and that many were not confirmed until a couple of days ago—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. To the government side: Ms. Kiwala, Mr. Potts, or both simultaneously, as you like.

*Interjections.*

**Mr. Arthur Potts:** Sure. Thank you so very, very, much. One of the most powerful things that I've heard this morning was from Paul, and again you've reinforced



it: this notion that kids in community care are our children and the importance of reflecting that they are as if they were our biological family.

One of the spine-tingling moments that I've had throughout these conversations has been when we talk about residential care, and I'm sort of thrown back into this whole First Nations residential community care. With this, I'm having a sense it's almost a reconciliation bill. It's a kind of momentum that I see that's hoping to come out. While we may be very far along the lines in the child-centric nature, in respecting Katelynn's Principle, there's still more work to do. I know, internally, from your submissions and the work that we're doing with our staff, that there are amendments already in the works, which hopefully will reflect some of the concerns that may not be reflected in the drafting of the bill right now. Those voices have been heard, and they've been heard very, very powerfully, so I thank you.

This is an area that has not been part of my life over six years as it has been with yours and the critics and such because my responsibilities in the government are in other areas, but I've been very touched, in the same way I've been touched with the whole truth and reconciliation movement, by what we're doing here. I just wanted to put that on the line and talk a bit about that.

Talk to me a little bit more about the punishment aspect—the isolation, the harbouring kinds of things that were happening before—and how you think they might be addressed in what we're doing here, rather than the punishment of people leaving an unsafe place and being forced back.

**Ms. Ashley Ash:** I've heard stories of young people who go AWOL from their group homes just to go to a friend's house or to go home, and instead of looking at the fact that a young person does not feel safe in their placement, you're punishing them for leaving to go to a safe place. I find it very problematic that you're not looking at the fact that this young person doesn't feel safe where they are. Instead, you're looking at how they left to go to a safe place, and you're punishing them for that. It would be very isolating for youth, who will feel like they have nowhere to turn. They're not going to be able to go their friend's house or their cousin's because of fear that that person might be punished.

That's what I worry about with this clause, and that's what I worry about with this section. What it will do is teach young people that they have nowhere to turn to. In a system that already silences you, in a system that has already isolated you from your family and from your community, all that's going to do is further that. That's what I'm worried about, and that's what I've heard from young people.

**Mr. Arthur Potts:** As a father of two children who are now grown and dealing with their—

**The Chair (Mr. Shafiq Qaadri):** The floor now passes to the PC side. Ms. Martow.

**Mrs. Gila Martow:** Hi. Thank you so much. I'd like to know if you have suggestions—I think we're all aware of a lot of the problems for youth. It is different for

children and youth. I think that part of the problem—maybe you can expand on that—is that sometimes the youth are treated like children. That's something that really needs to be addressed, and it's going to be difficult. There's so much technology now, and kids and youth are so quick to pick up any type of technology. What can we do to give support or a sense of community even if somebody does have to be moved—even if they don't want to be moved, even if the social worker doesn't want to have to move them? You could be in a foster home and the foster parent has an emergency health problem and the kids all have to be split up into different foster homes because they can't move all four of those kids together—but a way for them to stay in touch. Physically, sometimes it's hard, but electronically, it might be easier. Could you see it as a possibility that we could empower the youth to stay in touch with each other and with the workers?

**Ms. Ashley Ash:** I worry too much about getting into the rights to Internet and all that kind of stuff.

For me, at least, the reason why I do the work I do and the reason why I feel so proud and safe in the work I do is that any time I step into a room with other young people, there is this immediate sense of belonging, there's this immediate sense of knowing. For me, the most powerful thing is when youth have come together. That's where bonds can be created. If you don't have your family with you, if you don't have your community with you, at least you have this other community. Creating those kinds of links, those kinds of youth groups, those kinds of networks is really important.

What you said about how we sometimes treat children like youth, and that's the problem—I understand what you mean. I think the problem is that we forget that young people are so smart. We forget sometimes because of their age. The truth is—especially children in care—they're so smart and they're so resilient, because they've had to be. We have to acknowledge that, and we have to honour that in ways—

**The Chair (Mr. Shafiq Qaadri):** Thirty.

**Ms. Ashley Ash:** I think that's just something to remember throughout this entire process of the bill. Youth are smart, and youth do have something to say.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Ash, for coming forward.

MR. MICHELE FARRUGIA

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenter to please come forward: Michele Farrugia. Welcome, Mr. Farrugia. You've seen you have five minutes to make your opening address, and then there will be questions with rotations. Please begin now.

**Mr. Michele Farrugia:** Good morning, committee members. As most of you know, my name is Michele Farrugia. I'm 27 years old and an alumnus of Ontario's child welfare system. I am here to speak on this bill.

I was at the press conference when the Minister of Children and Youth Services unveiled the newly pro-



posed bill. On the surface, without looking at the new legislation, it seemed like after years of fighting for fundamental change, it finally might have been present. That day, I told the media some things I regret.

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Once the proposed bill was made available, I saw that the devil was in the details, as there were a few positive changes, but fundamental change was not in sight. When the government is rewriting the act after 30 years, that's quite sad. The province is basically saying to its children, "You're not worth enough for us to strengthen this bill to help you succeed." One question for you: Would you let this happen to your own child or children?

Now I want to focus on a particular aspect of Bill 89 that we must fundamentally change: residential licensing. Throughout my seven years in care, I was in many group homes, and I have been advocating for ministry licensing changes for almost a decade now. While in group care in Ontario's bleak child welfare system, on licensing day they told us to be on our best behaviour. The repairs would be left to a few days before inspectors came, and after almost a year, mouldy bath mats would be replaced.

Most troubling is the fact that inspectors would almost always license the homes and believe the supervisors over the residents—not to mention that sometimes the ministry did not inspect group homes every year. This is flawed, definitely needs to change, and the time is now, while the opportunity still exists.

Would you let your children live in these conditions? So why do it to our most vulnerable? Is that fair to them?

I know and you know that Bill 89 is in desperate need of being heavily amended to ensure a bright future for children and youth in the system. So, in the words of Nickelback, what are you waiting for?

I want to leave you with a few recommendations that I know, in your heart, you will find fundamental and right too:

- (1) Throughout the bill, replace "may" with "shall";
- (2) End the practice of giving service providers inspection notices and enshrine in Bill 89 an unannounced licensing inspection system;
- (3) Amend Bill 89 so that:
  - the Standing Committee on Justice Policy study each new proposed licensing policy from the Ministry of Children and Youth Services;
  - the standing committee give a permanent opportunity for youth in/from care to study it with them and include them in the process;
  - the standing committee seek the same ratio for committee members to youth and from different backgrounds; and
  - after this committee studies and reports its findings, the Minister of Children and Youth Services shall introduce legislation in the Ontario Legislature for each new proposed policy.

In conclusion, my experience in the child welfare system qualifies me to speak before you today. This bill in its current form does not support children and youth, at least in terms of residential licensing. You must put this

bill through the lens of: Would you do this or want this for your children? If not, amend Bill 89, and let's get it right after 30 years. After all, we are family, right? Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Farrugia, for your precision timing.

It now goes to the government side: Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here today. I have seen you around Queen's Park before, so I know that you're involved and you're making a commitment and you're doing all the things that you feel are really important. I want to acknowledge you for that.

I just wanted to touch on a couple of things. We don't have a lot of time, unfortunately.

This bill will enable the ministry to conduct inspections, as you know, and I'm wondering if you can talk a little bit about the fact that within the bill, we're looking at randomly inspecting homes. I'm wondering if you can say why exactly you feel it's important.

**Mr. Michele Farrugia:** I've looked at the wording, and in its current form, it gives the minister, if he finds it deemable, not a random licensing system—if he needs it, he will do an unannounced inspection.

I find it important because there are so many group homes that are getting licensed that shouldn't get licensed, number 1. Number 2, repairs shouldn't be made a few days before. That's our home. Mouldy bathmats shouldn't be there for a year.

This is important. It's fundamental. It's time that we get this right.

**Ms. Sophie Kiwala:** Again, just to go back to acknowledging your work that you've done, I feel it's really important that we include youth in all aspects of legislation, not just within this ministry. But in general, I'd like to see a lot more of it happen. I've personally got a youth advocacy committee that I work with all the time in my riding, and I'm really proud of their work.

With respect to improving the government consultation process, especially with young people, can you share some thoughts on how we can best harness 21st-century tools, like social media, just to leverage the feedback that we get from the public, especially including children and youth, because you're so good at those mediums?

**Mr. Michele Farrugia:** Well, one of the things is that we need to open up to young people in care, meaning that traditionally they don't know about what's going on—at least, when I was in care, I didn't know what was going on. I didn't know about the advocate's office that much. We need to find a way—and I don't have all the answers—to get in there, to get into those homes, not for inspections but to reach out.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Kiwala. I now move the floor to Ms. Martow of the PCs: three minutes.

**Mrs. Gila Martow:** Thank you very much for coming in. I think it's pronounced Michele?

**Mr. Michele Farrugia:** Yes, amazing. Thank you.

**Mrs. Gila Martow:** I was trying to pay attention to how you pronounced it.



Continuing in the vein of what you were just saying, do you think it would be helpful if, starting more at the age of 12, kids in care had a special type of youth organization, that we have counsellors and they meet on some weekends, maybe a movie in the afternoon? But in the morning, they're taught how the system works and how they could make the system work better for themselves instead of fighting and being angry about not being happy with things, to have an understanding of what some of the difficulties are, what some of the limitations are, that it's not the child's fault if they're being moved. A lot of times, I think kids are left with that impression.

What's your feeling on—can we be pushing for more of that?

**Mr. Michele Farrugia:** I would agree with you, but I'd also say we can't suggest a time. I envision a system where children and youth have access to people to talk to, like you're saying—not counsellors, but let's say a friend, a big brother, a big sister type thing, mentors that they can talk to whenever they need to and to do stuff with once in a while.

I also envision a mandated—this could be mandated—life skills program, kind of like what you just touched on.

The social aspect I am very leery to have mandated, because you can't just say, "Okay, now it's time for this," and then that hour goes by and, "Oh, you can't do this for another few days or another week."

**Mrs. Gila Martow:** I hear what you're saying.

The member opposite, Ms. Kiwala, mentioned about using social media. We are leery of just having chat groups or blogs. Kids can kind of get into trouble sometimes if it's not monitored. But if there was a way to get together once in a while, do you think that the youth would be interested? And if there was a safe site that was being monitored, do you think they would want to participate?

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**Mr. Michele Farrugia:** It depends on who is monitoring it.

**Mrs. Gila Martow:** Maybe we can get people like you, Michele.

**The Chair (Mr. Shafiq Qaadri):** To Miss Taylor.

**Miss Monique Taylor:** Hi, Michele. How are you?

**Mr. Michele Farrugia:** Hi, Monique. I'm very well, thank you.

**Miss Monique Taylor:** Good. It's nice to see you.

Thank you so much for all of the work you've done over these years—again, another youth who was in the Youth Leaving Care Hearings and had a role in part of that. I believe that's actually when we first met. I'm so proud to see the work that you have put into this and how you've flourished under the advocate's office. Congratulations for reaching out and for knowing that you can use this to make a difference in other people's lives.

The part that you're bringing forward is so important, when we're talking about residential services and places that are your home, or are supposed to be your home.

Did people talk to you when you were in that home—in that house; I don't know how much of a home it was previously.

**Mr. Michele Farrugia:** Are you talking about licensing or just in general?

**Miss Monique Taylor:** Just in general. Were you in a residential group home?

**Mr. Michele Farrugia:** I was in several group homes and one or two foster homes. The group homes I was in—they talked to me, yes, but it was mostly negative. It was very structured. They used to have shift changes and you had to be in your room, you couldn't come out, and this and that, at some of them.

**Miss Monique Taylor:** It sounds like lockdown.

**Mr. Michele Farrugia:** Yes. What's most troubling is that every time licensing came up, you would see the repairmen from the agencies in there a few days before. And not only that, you would bring stuff up to the licensing inspector, and she would take you to the group home supervisor, and they would just deny everything, and then they would give the licence. You have children and youth who are scared to bring up things—who I encouraged, but ultimately they denied. How can we let this happen? How can you let this happen as a committee, as a government?

**Miss Monique Taylor:** So you think it's really important that they have surprise visits on those homes and that the inspectors speak freely to the youth who live in the house?

**Mr. Michele Farrugia:** A whole system—not just one or two surprise visits; every home is surprise, unannounced inspection.

And yes, more time should be spent with the children and youth. That should be the basis of the licensing, rather than on the supervisors and management of the group home.

**Miss Monique Taylor:** That's right. I know that when I have company coming to my house, I bring out the teacups and get ready and prepare for the visitors to come. Being in a home that—

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Señor Farrugia, for your presence and deputation.

## JUSTICE FOR CHILDREN AND YOUTH

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenters to please come forward: Ms. Ahmed, Ms. Birdsell and Ms. Stewart of Justice for Children and Youth. Welcome.

**Ms. Mary Birdsell:** Good morning. Thank you for having us. My name is Mary Birdsell. This is my colleague Samira Ahmed. We are lawyers at Justice for Children and Youth, Ontario's specialty legal clinic and child rights organization. For almost 40 years, we have been providing legal representation directly to children and young people, many, if not most of whom, are involved in child protection and child welfare.

The children affected by Bill 89 are our everyday clients. We take instructions from them. The United Nations Convention on the Rights of the Child provides our foundational perspective. We know how the UNCRC and the legal system work or don't work on the front



lines from our clients' perspective. We live in the trenches of this legal framework.

We are honoured to be here today, and we seek to help bring about healthy change to the child welfare system. We have submissions to make about many aspects of the proposed legislation, and we will do so in writing. Our written submissions make detailed recommendations across a number of themes in the bill, all in the interest of creating a child-rights-respecting regime. We know that rigorous drafting will be an important part of positive change.

Today, we want to talk to you about 16- and 17-year-old clients. Bill 89 provides for 16- and 17-year-olds who are not already in care to access protection services. This is real progress, and we welcome it. And 16- and 17-year-olds will welcome it if it is done respectfully.

As drafted, the bill makes it possible to force teenagers into care. We are going to describe to you five client stories illustrating the point we want you to understand: that is, that CAS services should only be provided to 16- and 17-year-olds with their consent. Their involvement must be voluntary, or we will do more harm than good. If you force care on them—bring them into care without their consent—they will turn away, refuse to participate, run away and even go underground, where they will be less safe than they were.

We know this because we see it and have had literally these clients in our office. The five clients we will describe illustrate the spectrum of possible experience of new 16- and 17-year-olds, and the spectrum of their interest, trust and willingness to have CAS involved in their lives. The UNCRC demands that we must protect their rights, and of course we want to do that. This includes the right to be protected from harm, to have their best interests protected, to participate, to be treated with respect and dignity, and to have their evolving capacities respected.

A strong rights-based approach that places the child at the centre of decision-making requires us to do so in a trauma-informed way, to meet children where they are at and to provide meaningful resources and protection. Being trauma-informed for 16- and 17-year-olds means a number of things. In particular it means taking an approach that focuses on relationship-building. The greatest risk of harm that 16- and 17-year-olds face is not having trusted relationships with supportive adults. Building mutually respectful, trusting and meaningful relationships requires a harm reduction approach, or we will actually cause more harm.

**Ms. Samira Ahmed:** The 16- and 17-year-old clients that we're speaking to you about are all young people who have left home as a result of abusive or untenable situations.

The first teenager has left home and wants the services of child welfare. Obviously, in this circumstance, services should be provided, which might include financial, social or potentially residential services.

The second teenager has landed in a safe and supportive environment when they left home. We want to ensure

that the door for support from child welfare remains open, but in that present circumstance, the teenager doesn't need—or, potentially, want—services at that point.

The third teenager is the kind of young person who is living in an unstable environment, at a shelter or potentially couch-surfing, but they are still connected to supportive services outside of child welfare. That might be shelter staff, health care providers or guidance counsellors. These are young people who potentially still may not want the services of child welfare. Maybe they've had a negative experience in care previously, or a distrust of adults and systems.

We want CAS to be able to reach out to these young people, to spend time with them, to try and build trust, and to work with the adults who these young people actually do trust. However, we want to ensure that this teenager is also able to maintain the space to still engage with their trusting adults, and not be forced to disengage from them as a result of a forced involvement in child welfare.

The fourth teenager poses the greatest challenge to our thinking. She or he has landed in an unsafe, unhealthy and even exploitive environment, which might include human trafficking or the drug trade. They may have limited adult supports, and still decide that they don't want CAS. The problem is that if we try and force CAS involvement on these teenagers, they will run, they will hide and they will go underground, which would place them—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Ahmed. The floor now passes to the PC side. Ms. Martow.

**Mrs. Gila Martow:** Thank you very much for bringing up human trafficking. It has been an ongoing discussion over the past year or two in the Legislature. Our colleague had a private member's bill called "the girl next door" and feels that within Bill 89 we have the opportunity to help the effort to combat human trafficking. If you have any recommendations specific to that in terms of how we reach out to those 16- and 17-year-olds without a heavy hand—we're hearing from a lot of potential mentors who were in care themselves, and I think that they're the ones who can do it for us—kids who were trafficked—to reach out to those on the streets. What suggestions do you have?

**Ms. Mary Birdsell:** Well, we do have some models in Canada that we can follow, although very, very few. There is work being done in Toronto through Covenant House, and other organizations like us who are involved in those committees.

I think the heavy-hand piece is the piece that we really want to encourage you to resist in this legislation. We know, from all of the work done on human trafficking in North America and in Europe, that the way to bring these children to a place of safety is through relationship-building and a harm reduction approach.

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We meet them where they're at. If we can create services and programs that are safe and appealing, like



mentors, people who have been through the experiences before who are supported in the context of health and mental health and other things, we continue to reach out.

One of the things that is key is not to give up. If you go to the door and they say no, well, you go back the next day and you go back the next day and you bring pizza the next day. But what you don't do is to try and lock them down and use that punitive, heavy-handed approach, because they will go deeper underground, and then we won't find them and we won't be able to protect them.

**Mrs. Gila Martow:** I just wanted to put on the record that I'm wondering if there is a way to give them a card with an emergency phone number with a password—and the password is understood by the person answering as what that means; it means, "Come here and help me"—or a taxi chit that takes them to the nearest police station only or nearest emergency room only.

**Ms. Mary Birdsell:** I think that would be great.

**Mrs. Gila Martow:** Yes. We'd like to hear those suggestions, for anybody listening in the community.

I assume the time is up?

**The Chair (Mr. Shafiq Qaadri):** You have 30 seconds.

**Mrs. Gila Martow:** Thirty seconds? If you want to add to what I just said, go ahead.

**Ms. Mary Birdsell:** I do think that making those kinds of community resources available is a really crucial part of engaging with the older teenaged community, and that creating robust, in-the-community kinds of resources with community agencies who continue to offer services beyond 18, is really crucial.

**Mrs. Gila Martow:** Yes, I'll just say that teenagers want to be independent when it suits them and dependent when it suits them. That's the real challenge.

**Ms. Mary Birdsell:** That is the real challenge, and we resist it. We don't want to do that. We want to say, "Well, we know what's best and we'll look after you. Come here, come here." But all of us who have teenagers in our lives—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martow.

To Miss Taylor.

**Miss Monique Taylor:** Thank you for your participation. I look forward to your written submission with your recommendations. I'm curious to hear your opinion on the duty to report and the lack thereof for 16- and 17-year-olds.

**Ms. Mary Birdsell:** I think that's a challenging piece as well, and we do spend some time on it in our written submissions. Our view is that this issue of seeking consent of 16- and 17-year-olds is crucial. The duty-to-report piece is complicated because, of course, those who are trying to encourage more people to report are concerned that any confusion, any greyness in the area will mean that people will report less often. Of course, we don't want to do that.

The key for us, in the context of 16- and 17-year-olds, is providing them with the opportunity for agency, for some control over their own lives, regardless of how

traumatic and disordered their lives or their experiences may have been.

We do think that requiring 16- and 17-year-olds to consent to reporting kinds of involvement is an important idea. But if you maintain this piece where they have to consent to be brought into care, then, regardless of how the reporting regime flows, they will continue to be provided with that respect for their evolving capacity and for agency.

**Miss Monique Taylor:** Anything else?

**Ms. Mary Birdsell:** I think it's a challenging area. My own submission would be that voluntariness around the duty to report is not helpful, because people will not understand what that means. Having said that, I think involving the 16- and 17-year-olds in the process of doing things, even like reporting, is essential to their dignity.

**Miss Monique Taylor:** Okay. Thank you very much.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor.

To the government side: Mr. Potts.

**Mr. Arthur Potts:** Mary, great to see you again.

**Ms. Mary Birdsell:** Nice to see you.

**Mr. Arthur Potts:** I was, of course, introduced to your organization through our mutual friends, Cheryl Milne and Peter Newell. I had the pleasure of being at many of your fundraisers. I got a good sense of the great work your organization does around the dinner table with the two of them, and of the work that she has done as a staff lawyer over the years.

I too want to go back to the 16- and 17-year-olds and, particularly, the notion of mandatory reporting as opposed to voluntary reporting. My concern is what it does to that relationship-building if, all of a sudden, you're mandatorily reporting something and you just violated the trust of a 16- or 17-year-old.

Boost was in here yesterday, and they see it differently. They want to get that into the system as fast as possible so that you can take the appropriate levels. But maybe you can talk more about that whole trust-building level and what mandatory reporting would do.

**Ms. Mary Birdsell:** We've had some very intense conversations with people at Boost. We work with them and we've discussed this very point. Our view continues to be that—one of the concerns that some people, including Boost, have is that if you make it voluntary or make it based on the child's consent, then people won't do it.

Our view is actually the opposite: that the people who are most likely to report—the institutional kinds or organizational kinds of people, like the Covenant House people, shelters, guidance counsellors, people whom children go to for a trusting, private, confidential place where they can disclose things and not be worried about the story leaving their hands—will be the ones whose organizations will decide for them that they must report. So even though the legislation says it's voluntary, their corporate counsel will tell them, "To minimize your liability, you must report." The huge danger is that the



trust built in that relationship will be destroyed and those supportive adults will no longer be available to those young people as a general matter. It is an issue that we're very, very concerned about. The people who don't report already won't be helped one way or another on the legislation. But children who have gone to a guidance counsellor to say, "I want to talk to you about this in private because I'm not ready yet," will then be devastated by the betrayal of their trust and will go underground.

**Mr. Arthur Potts:** I'm also fascinated by the way society is changing and becoming more child-centric. You know that's happening when the youth are able to lawyer up. That's the tone of the great work that you've been doing over the years, which I think speaks to where we're heading in this legislation—the kind of work you've done to put the legal rights, the constitutional rights of children at the forefront, and giving them a chance to have a representation voice. I want to thank your organization for continuing that great work.

**Ms. Mary Birdsell:** Thank you very much. I think that we all know, as human beings, that confidentiality and a sense of our own control over our story is an essential part of dignity. None of us want people to tell our secrets without our consent, without our involvement. I recognize, as the honourable member said, that we may treat children differently than young people sometimes, and that's what evolving capacities is all about—

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Ahmed and Ms. Birdsell, for your deputation on behalf of Justice for Children and Youth.

The committee is in recess till 1 p.m. today.

*The committee recessed from 1015 to 1300.*

**Le Président (M. Shafiq Qaadri):** Chers collègues, je recommence notre séance du Comité permanent de la justice.

Colleagues, I welcome you back. We're now in the afternoon session, as you know, for Bill 89, An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts.

OFFICE OF THE INFORMATION  
AND PRIVACY COMMISSIONER  
OF ONTARIO

**The Chair (Mr. Shafiq Qaadri):** Our first presenter of the afternoon is Mr. Brian Beamish, privacy commissioner of Ontario, of the Office of the Information and Privacy Commissioner of Ontario.

You have, as you know, 30 minutes to address, and then 10, 10 and 10. Please officially begin now.

**Mr. Brian Beamish:** Good afternoon, everyone. Thank you for the opportunity to present my views on Bill 89.

I want to start by saying that as the Information and Privacy Commissioner for the province, I commend this bill for introducing privacy protection for individuals who are involved in the child, youth and family services

sector, and for giving those individuals a right to access their own information.

Up until now, most child, youth and family service providers in the province have not been covered by privacy legislation, and that includes children's aid societies. That also means that individuals involved in the system have not had a right to ask for their information. That's being addressed in this bill. Not only will they have privacy protections vis-à-vis their service providers and a right to access their information; they'll also have the ability to file a complaint with my office if they're dissatisfied with how their personal information is being managed, and to file an appeal with my office if they have not been granted access to their file.

I really am pleased that this gap in legislation has been addressed. It's something that the information and privacy commission has been calling for for a number of years, so we're very pleased to see that gap closed.

I'm going to address most of my comments to part X of the bill. That is the section that sets out the rules for the collection, use and disclosure of personal information of individuals, and the ability of the minister and the ministry to collect, use and disclose personal information.

My main criticism of the bill is that it greatly expands the authority of the Ministry of Children and Youth Services to collect, use and disclose personal information but does not put the appropriate and adequate safeguards in place to protect privacy.

I acknowledge from the outset that legislation authorizing collection, use and disclosure of personal information can be very arcane, confusing and at times very difficult to understand. If you've had a chance to look at the provisions of part X, you'll see that Bill 89 is no exception.

If I could provide you with two themes for the comments that I'm going to make today and that are contained in my submission, they would be these. The first is to reference the province's health privacy legislation, which is the Personal Health Information Protection Act, or PHIPA, if you'll allow me to use that acronym throughout. It regulates a very similar sector to the child, youth and family services sector, in my view. You have a ministry that provides funding and, in some ways, provides services to the sector; the ministry has an interest in evaluating how services are provided and making sure that they're being done in an efficient manner; but you have services being provided by an array of individuals and agencies, as you have in the child and youth sector. PHIPA does a very good job of laying out ground rules for how personal information can be managed and how to protect that personal information. If I can give you my first theme—it's the extent to which Bill 89 mirrors PHIPA. It has done a pretty good job. To the extent that it does not follow that road map, in my view, it needs to be improved.

The second theme that I'll be touching on through the course of my comments has to do with the public sector privacy act, which is the Freedom of Information and Protection of Privacy Act, what we call FIPPA—sorry;



another acronym. The ministry, for the most part, will be governed by FIPPA in terms of how it collects information from people in this area and the rules regarding how it can disclose and use that information.

I will be explaining later why I feel the protections in FIPPA are inadequate. FIPPA is, in my view, an outdated statute, not designed for the type of information collection, management and analysis that's contemplated by Bill 89.

As I mentioned, the bill greatly expands the ministry's ability to collect, manage and disclose personal information. In fact, the ministry will have the power to require the disclosure of personal information by service providers to it.

I want you to keep in mind that, in my experience in the privacy field, the public has a justified concern when they perceive government to be over-collecting information about them; to be randomly collecting it sometimes, if they don't understand the purpose of that collection. They may see that as a spurious and unnecessary intrusion into their privacy.

In my view, as a result, government needs to be careful that they only collect necessary information to meet their purposes, that they place strict limits on the collection of information and that there are strong safeguards in place to ensure that that information is not misused and that the rules are being followed.

With that as background, let me turn to specifics in Bill 89. Although the ministry is called a service provider under the act, as I mentioned, the ministry will not be subject to most of the privacy provisions that are set out in Bill 89. Instead, it will be covered by the Freedom of Information and Protection of Privacy Act. For example, under Bill 89, service providers will be prohibited from collecting personal information, directly or indirectly, without consent. Because the ministry is subject only to FIPPA, it won't be under those same constraints. Similarly, a service provider under Bill 89 will be required to notify my office if there is a privacy breach. FIPPA does not contain that type of requirement, so the ministry will be under no obligation to notify my office if they're subject to a privacy breach.

As well, if a service provider does not follow the rules set out in Bill 89, my office has very strong powers to order that service provider to take certain steps. The Freedom of Information and Protection of Privacy Act does not contain that same ability for my office to issue an order to require the proper management of personal information.

FIPPA was one of the first access and privacy laws in Canada. It came into effect in 1987. I call it a first-generation access and privacy law. I would ask you to consider what life was like in 1987 in government and in provision of services. We've had a dramatic change in terms of the ability to collect information from disparate sources, to integrate that information and to analyze that information. The protections that are currently contained in our public sector privacy law, in FIPPA, are just not up to the task of managing the types of information manage-

ment considered by this bill. As a result, those types of protections should be built into Bill 89.

Given that broad power that the ministry is giving itself, you will see in my recommendations that there are two approaches. One is to narrow the ability of the ministry to only collect to that which is needed. The second is to build additional safeguards that are missing from FIPPA into Bill 89 to ensure that there's proper management and oversight of how the ministry is conducting business.

Let me speak, first of all, to that first point about the overly broad powers and limiting them. You will see in section 279 of part X that there is the ability for the ministry to collect, directly and indirectly, personal information for a rather broad range of topics. I would start by pointing out that the ministry already has authority to collect information under FIPPA to carry out its duties. For example, if it's delivering services, it has the power already to collect information in order to do that.

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Section 279 also allows the ministry to collect directly and indirectly for that list of purposes in the act. To my knowledge, that's unprecedented in privacy legislation: that the ability to collect directly and indirectly would be provided for that range of services. For example, it's difficult to imagine why the ministry would need to collect directly from individuals in this field for the purposes of planning and management, without consent. Normally, if the ministry needs to collect information for planning and management, that can be done indirectly through the service providers themselves and not directly from the youth and children in the area. My recommendations in appendix A will address that overbroad authorization.

There are two areas, though, where I understand and support the need for broader powers for the ministry. That is in the area of, number 1, planning and managing the delivery of services; and number 2, for research. Those are currently included in Bill 89, and I fully understand why the ministry would want additional powers in terms of managing the delivery of services and in terms of research. But that additional power needs to be accompanied by the kinds of comprehensive safeguards that are not found in FIPPA. Let me give you examples of that.

First, starting with planning and managing services: Subsections 279(1) and (2) would enable the minister to collect information from all service providers, combine that information—in other words, integrate that information for individuals—and then to conduct analysis of that information for the purpose of managing and planning the system. That type of data collection and analysis goes by different names. We call it "big data analytics." And that's not unique to this sector. I think governments everywhere are looking to how they can use personal information in a manner to analyze how they're delivering services and to do it in a more cost-effective manner. Those are discussions that we've had with government and ministries for a number of years now: How



do you perform that type of analytics in a way that respects the privacy of the individuals whose information it is?

What we have said when we speak to government and to ministries is that that type of advanced data analytics requires privacy protections that are not currently found in FIPPA and need to be built into the specific piece of legislation that you're contemplating. Those types of protections that we're suggesting be built in to support those data analytics are in appendix A. I can give you some examples of what we're talking about.

First of all, if there is going to be a collection of information from disparate sources and an analysis of that information, there should be a limited number of government staff who can do that and who can see that information. So there should be a designated unit to perform that function. That ensures that only a limited number of people have exposure to people's sensitive information, and that expertise is brought to bear in performing the analysis properly. That unit should have privacy policies and practices in place that are consistent with guidance provided by my office. They should be required to de-identify the information prior to conducting analytics. They should be required to do a cost-benefit analysis; in other words, weigh the intrusion on privacy against the public interest in performing the analytics. And they should be transparent about their processes; it should be clear what they're collecting and how they're using it. That should be something the public should have access to. I mentioned that that framework is set out in appendix A.

I started by saying that our provincial health privacy law, in many ways, gets this right: There are provisions in PHIPA that now regulate this type of activity. PHIPA itself, plus the amendments that were introduced a couple of years ago in Bill 119, provide the type of framework I'm talking about, where there is a designated, prescribed unit to conduct the analytics. They have to conduct business in accordance with the ground rules set by my office. They have certain rules in terms of how those analytics are conducted and how the information is managed. So these recommendations aren't new. They already exist in another piece of legislation.

Before I get to research, I would mention that section 279(5) has a provision that does cause me concern. In effect, what it says is that the ministry—the ministry, remember, will have a lot of very sensitive information about folks in this system—will be able to share information with other ministries in the province. I've already commented on how the current FIPPA does not provide the proper safeguards for the kinds of analytics that are contemplated here. Those other ministries will not be subject to the proper safeguards, so I would not support, under the current regime, the current structure—the ministry sharing very sensitive personal information with other ministries. I would support the ministry being able to collect that information and use that information if the proper safeguards are in place.

There are two purposes for which we do support additional powers in terms of collection, use and dis-

closure, the second one being research. I think it's understandable why it would be very valuable for the ministry or for individuals to be able to conduct research with this data. I do have a couple of issues and concerns with the way that is provided for within Bill 89. The first is, when you have direct contact with an individual—in other words, you're providing services to the individual and you have direct contact with them—it would not be appropriate or ethical to then use that information to conduct research without their consent. That ability would be given here to the ministry. Generally speaking, the use of personal information in research without consent should only be done where gaining consent is not possible or practical. If you have a direct relationship with an individual, it's difficult to make that argument. So our recommendation is that that ability to use information for research without consent be removed.

Secondly, I have concerns with the lack of safeguards on research in Bill 89. These are very similar to the earlier comments I made. Canada has very well-established privacy practices and principles around conducting research. PHIPA, our health privacy legislation, provides a model of how that gets reflected in law. For example, in Canada, most research is subject to review by an ethics review board. The ethics review board will only approve the use of identifiable information without consent where it is not possible or practical for the individual to give their consent. Researchers are also required to follow the requirements and direction of that ethics review board. The interesting thing for me is, although parts of part X are modelled on PHIPA, when it comes to research, it's not. To me, that's a pretty glaring gap.

Our recommendation in appendix B is that the types of protections found in PHIPA for research be put in place here in Bill 89: the need for an ethics review; rules for the ethics review board in terms of how they conduct business; and rules for researchers to follow before, during and after they've conducted their research. I've made the point that this type of framework is currently in place in PHIPA, which makes it curious to me why it's not here.

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I would also note, and you will know, that yesterday the government introduced the Anti-Racism Act. That's an act that involves the collection of race-based data, which is very sensitive and has a provision for research, but that act does have the kinds of protections I'm talking about here that are found in PHIPA. They've replicated those in the ARA, much to its credit. Again, it's mysterious to me why those particular provisions, given the sensitivity of the information we're dealing with here, were not incorporated directly into this act.

I understand that the ministry may be considering doing this by way of regulation, but in my view, the types of principles we're talking about here are important enough that they should be put directly into the legislation.

My final section I want to talk about is the parts of the act, the parts of the bill that will allow the disclosure of



personal information to what are called entities that are prescribed and not prescribed. I'm sorry that I'm going to be using the words "prescribed" and "not prescribed" way too much here; I might get lost myself, but I'm going to give it a shot.

There are provisions here that would allow the ministry to disclose personal information to organizations that specialize in data analytics. I think they would have in mind here an organization like the Institute for Clinical Evaluative Sciences, or ICES. They're very knowledgeable and experienced in collecting information and doing analysis on that information in a very responsible manner.

Section 289(2) of the act is the specific section that says that service providers—that would include the ministry—may disclose personal information for the purposes of analysis and compiling statistical information to a person or entity that is prescribed. You're fine up to that point, but then it goes on to say, "to a person or entity that is not ... prescribed."

In my reading of the act, I was really puzzled by that. On the one hand, the need to restrict disclosure to a prescribed entity seems to be recognized by the first part of that subsection, but then it goes on to say, "But the ministry can also disclose it to a non-prescribed entity." In other words, it seems that everything's possible—prescribed entity or non-prescribed entity.

Again, this stands in stark contrast to PHIPA, which has similar provisions but restricts disclosure for analysis and statistical analysis only to prescribed entities. Our recommendation in appendix C of my submission would follow that: It would restrict disclosure of this type of information only to entities that are prescribed.

I think there is a good reason for that. This is very sensitive information, and there's a need to ensure that whoever's going to receive it to do the analysis on the information has the proper privacy provisions in place, is responsible and credible. The idea that the ministry could disclose to non-prescribed entities I think is not acceptable. Again, that's in appendix C of our submission.

In my conclusion, I want to reiterate that I'm pleased that the government closed that long-standing gap in terms of individuals involved in the sector. They will now have some privacy protections vis-à-vis their service provider. They'll have an ability to request their personal information and they will have oversight by my office on those functions. They'll be able to file a privacy complaint. They'll be able to appeal a refusal of information.

However, I do believe that the provisions regarding the collection, use and disclosure of personal information by the ministry are too broad, and given the breadth of that, the proper safeguards have not been in place. We have recommendations around limiting that power, putting in place safeguards where the ministry is using the information for managing and planning, for research and for removing the authority to disclose information to these non-prescribed entities.

We do have some other recommendations contained in our submission. I'll leave that with you.

Let me finish, then. Again, I don't want to over-emphasize this, but maybe I do. To talk about the work that my office did with the Ministry of Health and Long-Term Care on PHIPA and Bill 119—that was the bill that amended PHIPA and put in place some of the types of provisions I spoke about earlier.

When I was at committee on Bill 119, I was asked by a committee member: Aren't I worried that the provisions in the bill would allow a bureaucrat sitting in the Ministry of Health to access the personal health information of the citizens of the province? Because of the kinds of safeguards that I've talked about that are contained in the bill, I was able to say with a high degree of confidence, "That's not going to happen."

I'm afraid that without some amendments to Bill 89, I couldn't provide that same confidence here. I know the ministry may be intending to introduce some of those safeguards by way of regulation, but in my view, as I've mentioned, I think that these principles and those safeguards are important enough that they should be included directly in the bill. We know that regulations can change, and I think that this is an important enough issue that those safeguards should be built directly into the act.

Thank you very much for your time and consideration. I'm happy to answer questions.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Beamish. We move to the government side by agreement, to Mr. Potts. Ten minutes.

**Mr. Arthur Potts:** Thank you, Mr. Beamish. I'm delighted to have you here, in this position particularly. That was a very thorough analysis of some of the shortcomings that you've identified. I know that our staff are listening and you are in constant engagement with them.

I've got to ask, though: Any relation to Warren Beamish, 1972 candidate federally?

**Mr. Brian Beamish:** I'm not, but I am a constituent of yours.

**Mr. Arthur Potts:** Fair enough.

**Mr. Brian Beamish:** I'm on the East York side, not the Beaches.

**Mr. Arthur Potts:** Well, Warren Beamish, actually—he ran, and my father ran the campaign against him. I wondered if maybe you and I had canvassed on other sides of the street back in 1972.

**Mr. Brian Beamish:** No.

**Mr. Arthur Potts:** Anyway, what I hear in your remarks primarily I think relate to shortcomings that are in the FIPPA legislation because it hasn't been updated to the extent that Bill 119 did in PHIPA. In FIPPA, if those kinds of changes—because that's the global overriding piece that covers all ministries and activities. What we're really looking at here is, if we were to make the changes in this law, it still has inadequacies in how it applies in other agencies, so you have difficulty in sharing information with those other agencies, because they wouldn't have—so shouldn't we just be overhauling FIPPA?

**Mr. Brian Beamish:** I think you're right. In an ideal world, I would love to see FIPPA overhauled to bring it



into the modern age. As I mentioned, it's 30 years old now. It was developed in a time much different from ours, where the collection and management of information was—what we're doing now was clearly not contemplated. Yes, if FIPPA could be overhauled to put in the type of protections I'm talking about here—breach notification to my office when there is a breach; designation of specialized units to perform this type of analysis; the need to follow policies and procedures set by my office; and providing my office with greater oversight powers. Right now, if there is a privacy breach in the province, for the most part, after following an investigation, we cannot issue an order; we can only issue a report with recommendations. PHIPA rectified that in the health area. But that's still the state of affairs in the province: The privacy oversight in FIPPA is not adequate.

Ideally, it would be addressed there on a province-wide basis, covering the municipal sector as well. I don't think that's going to happen soon. I would be delighted if it did, but that's not going to happen prior to Bill 89 being passed, I don't think.

**Mr. Arthur Potts:** I think you're probably right.

**Mr. Brian Beamish:** So our view is that until that province-wide framework is put in place, bills that do contemplate that greater collection and use of information need to incorporate those kinds of protections directly.

**Mr. Arthur Potts:** Right. I get the point that when you're looking at the security of information associated with a vulnerable population, children and youth, particularly in family circumstances where there may be traumas and trials and tribulations, it's important to have it parallel a medical type of protection and disclosure.

My experience with FIPPA has always been on the other side of trying to access information, but the rules governing what information is there and what information you gather I'm not as familiar with. The information we're gathering: Are you concerned about that, or is it just the use of it, in the changes you want to put forward?

**Mr. Brian Beamish:** I've been focusing in this bill on the use. It's clear to me that if we say that the ministry should be able to collect information for planning and management purposes or for research, that means collecting a pretty broad spectrum and category of information.

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To me the question is: Once they've collected that information, what are the legitimate uses and purposes that they can put that information to? And, having then identified what's legitimate, how are you ensuring that those purposes are being met in a privacy-respectful manner?

**Mr. Arthur Potts:** Some of the non-designated uses: Would that be university research where people would want access to aggregated data so they could do epidemiological studies or something to that effect?

**Mr. Brian Beamish:** That would fall under what we would contemplate as research and that I think this bill contemplated as research. When we talk about planning and management, I don't consider research part of that.

"Research" to me is more of a term of art and refers to that type of academic research: research being done by people outside of government. It may happen in government, but it does contemplate the type of formal research that's done, subject to review by an ethics review board.

**Mr. Arthur Potts:** Okay. I'm going to turn questions over to Ms. Kiwala, but I appreciate having you as a constituent.

**The Chair (Mr. Shafiq Qaadri):** Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here. It's great to have you here and wonderful to have your feedback and this very solid document that you have supplied us with. I want to acknowledge you for that, so thank you.

You've brought up a number of interesting points. I'm wondering if I can focus specifically on the information-sharing piece between ministries. I understand that you're not in support of it without safeguards. I'm wondering: Do you have some ideas or suggestions on what sort of safeguards would be in place in order to make that an effective means for the ministry to use in the realm of making sure that children are as safe as possible?

**Mr. Brian Beamish:** This goes back to Mr. Potts's question. If the Ministry of Children and Youth Services is sharing with other provincial ministries, the information management practices of those other ministries would currently be governed by FIPPA, and, as I mentioned, FIPPA just does not provide adequate safeguards. A refresh or an update of FIPPA, I think, would address issues with sharing information with the other ministries.

Stronger powers of oversight for my office; breach notification; clear rules; the designation of a limited number of people within each ministry who can manage the information; strict rules around, once information is integrated in identifiable fashion, the need to de-identify prior to performing analytics on the information; a clear statement that trying to re-identify information to identify individuals would be a breach of the act: There are a set of provisions that we've outlined, I believe in appendix A here, that would say, "If you're sharing with other ministries, these would be the types of things that should be put in place."

I think, ideally, that issue would be addressed by a general update of the overall act so that any ministry that children and youth services would share it with would be subject to strong privacy regulation.

**Ms. Sophie Kiwala:** Okay. Thank you. You've been a great advocate, with respect to the use of data obviously, for a need for that review and modernization to take place. I'm wondering: Do you have a cross-jurisdictional scan of examples of where you felt that that was done really well? What did that look like?

**Mr. Brian Beamish:** We have done cross-jurisdictional scans. In my view, the health privacy law, PHIPA, does it as well as anywhere we've seen. In fact, when we drew up the recommendations that are in appendix A in terms of how you would put a framework in place for that type of data analytics and analysis, we borrowed heavily from PHIPA. We took a look at what



was going on elsewhere. We didn't identify one jurisdiction where we would say, "They've really got it right there." I think this is really a new area. It's something that all governments are struggling with: How do we do this in a manner that assures the population and the public that we're managing your information? We're getting the benefit of analysis, but we're protecting your personal information.

I think that we've tried to integrate bits and pieces we've seen elsewhere into our recommendation, building on what's in PHIPA. But I couldn't point you to one jurisdiction and say, "Go there because they're doing everything right." There are states in Australia that have provisions that are really good, which we may have borrowed. I think it's such a new area. As I say, I don't think anyone has put in place a comprehensive structure that works. To that extent, PHIPA provides a really good framework and blueprint.

**Ms. Sophie Kiwala:** Okay. How much time do we have left?

**The Chair (Mr. Shafiq Qaadri):** You have two seconds.

**Ms. Sophie Kiwala:** Oh, two seconds. Okay. Well, thank you.

**Mr. Brian Beamish:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Kiwala.

To the PC side: Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming in today. It looks like quite a commentary on it. I know you've said that you've made some recommendations to the ministry. Have they been receptive to incorporating any of those?

**Mr. Brian Beamish:** We did have discussions with ministry staff prior to the bill being introduced and after introduction. Some of what you see in Bill 89 is based on that. We did have discussions with them about the types of things I'm recommending here, and you don't see them in the bill. Draw a conclusion from that. Some of it was adopted and some was not.

**Mr. Jim McDonell:** Okay. One of the issues around this has been the CPIN program. Were you able to look at that at all? I know that they're trying to roll it out. It's not really a part of this, but it's part of the ministry.

**Mr. Brian Beamish:** The police criminal records?

**Mr. Jim McDonell:** The tracking through children's aid, CPIN.

**Mr. Brian Beamish:** Oh, okay. I am familiar with that program, but we did not consider that in here, no.

**Mr. Jim McDonell:** Okay. We were just looking at the ability to utilize it properly, to identify these bad players in the adoption industry.

**Mr. Brian Beamish:** Yes, that's a desirable and admirable goal. I think that we all would want to be able to enhance the use and access to information in order to identify problem areas.

**Mr. Jim McDonell:** On the privacy side with that, there's always an issue with trying to identify people. Of course, one thing that every Canadian has is a SIN

number. In such a program where you're trying to identify bad players, are we allowed to utilize a number like the SIN? It's not part of this, but—

**Mr. Brian Beamish:** The SIN number itself may be subject to federal legislation that would restrict access to it. My view is that we should work hard to not allow privacy to be an impediment when we're trying to address the kinds of issues here that we're talking about. I generally think that there are ways to ensure that privacy is respected, but that bad actors in the area are not able to hide behind that as a way to avoid detection.

Now, whether SIN is an appropriate number to use or not, I'm not sure. I think you would have difficulty because of the kinds of legislative restrictions in place on something like the health card number from using it. PHIPA is fairly clear on what you can and can't do with a health card number.

**Mr. Jim McDonell:** Okay. You talked about the act that they introduced yesterday, the Anti-Racism Act, and the protections put in that that seem to be much superior to this. You would almost think that the protections would be the same. To be fair to the government, it's 30 years since that existing PHIPA legislation was put in place, and they've only been there 15 years. But still, it's something that is probably quite a job to put in place something that would be more appropriate for today with the technology.

**Mr. Brian Beamish:** The act that was introduced yesterday, the Anti-Racism Act—in the development of that act, government staff did sit down with my staff and had very productive discussions about how to frame the research provisions and make sure that the proper protections are put in place. That happened over the course of a couple of weeks. As I say, they were productive discussions building on what's already in place in the health privacy laws. This was not starting fresh. There was a blueprint for how to build the proper protections and put it into the bill. We had hoped that something similar could have been done for Bill 89.

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**Mr. Jim McDonell:** Would it be a cookie-cutter type of thing? Or is it quite a job to make a different—

**Mr. Brian Beamish:** I think that each sector has to fashion it for the specifics of the sector. But I think the principles are the same.

**Mr. Jim McDonell:** Are there any oversight issues you have with this? Are you excluded from certain areas?

**Mr. Brian Beamish:** Let me break that into two sections.

As I mentioned, the bill will now put privacy protections in place for the children, youth and families who are involved in the system, in terms of their relationships with children's aid societies or other service providers. I'm very satisfied with the oversight of that. It basically mirrors the oversight I have in the health bill. They can file a complaint with my office, and we can conduct an investigation and take the appropriate remedial action if necessary.

Also as important is the fact that they will be able to ask those service providers for their personal informa-



tion. They haven't had that right up until now. Again, they would be able to file an appeal with my office, and we have the appropriate oversight of that area. So I'm quite satisfied that the ministry has done a really good job in terms of covering that off.

Given the types of protections that aren't in and that I mentioned in my presentation, I'm not satisfied that I can adequately oversee that general collection, use and disclosure by the ministry itself.

**Mr. Jim McDonell:** Are there amendments that you'd work with us on, to try to add—or have you done that already with the government—some of that protection?

**Mr. Brian Beamish:** I think we've given specific legislative language in here, yes.

**The Chair (Mr. Shafiq Qadri):** Three and a half minutes.

**Mrs. Gila Martow:** We had a big attempt by this government to create an electronic health record system, and it didn't get done, so I'm a little bit concerned about how CPIN is being rolled out. Do you have any concerns—not just about privacy, but about how the information is inputted? I've heard from lawyers that it doesn't have enough searchability, meaning they can't search within the documents. It's like an old typewriter, as opposed to a computer where you can put in the word “volleyball” and it'll give you every child in care who played volleyball and that was entered. The lawyers seem concerned about that.

**Mr. Brian Beamish:** That's an area that's outside of my ambit. That sounds more like a technical functionality issue in terms of how the system is working.

The one area that has been raised with me around the system is an issue that's quite common with the electronic health record: How do you ensure that people accessing the system are only accessing records they have a right to see? We've seen occasions in the health area where staff are accessing health records of their neighbours or family, or just out of curiosity. That's the issue that we have had raised with us: How do you ensure that a worker is only looking at records of children they're providing care to?

**Mrs. Gila Martow:** I guess the system has to be designed that way, that there's an alert that's sent out if somebody is logging in.

I used to work in the health field. I know that for our electronic health records in our own clinic, we couldn't just take any computer and log in to the system. The computer had to be set up with the special log-in information on that computer. When we were in the office, we were directly connected to the server by a wire. From my house, I was able to log in, but only if my computer had been set up.

So I'm a little concerned about how people are going to be able to log in to the system.

**Mr. Brian Beamish:** Well, there are definitely safeguards that need to be put in place. A log-in is one. Many electronic health records will send out a warning, if you're going into a record, that reminds you that you shouldn't be looking at that record unless you're pro-

viding service to that individual. It's really important to make sure that the system is keeping an audit trail and that audits are performed periodically to make sure that staff aren't abusing their right of access. There definitely are safeguards that should be put in place.

**Mrs. Gila Martow:** Right, and I'll just add to staff. There are also students in training, temporary staff and all of those concerns. Thank you very much.

**Mr. Brian Beamish:** Yes. Okay, thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Martow. To Ms. French for 10 minutes.

**Ms. Jennifer K. French:** Again, thank you for a very in-depth presentation. There were a couple of pieces that I'd just like to ask if you could elaborate or expand on a little bit more.

You were concerned about the ability of the ministry to collect personal information directly, whereas I believe you had said that it could be done just indirectly. Why that overreach or over-broad—I'm not sure if that's what you were saying was unprecedented, but if you could just sort of—

**Mr. Brian Beamish:** We understand that the ministry will need information about individuals in the system for planning and management or for research. Those are legitimate purposes. The question is, if they're collecting information for planning purposes, why would they need to collect that information directly from the children, youth and families? They're providing that information already to the service providers, and the ministry would have the ability indirectly. We would call that an indirect collection. They're going to the service provider rather than to the child or the youth themselves to get that information. That would seem to be the appropriate place to collect the information if they're using it for planning, management or research.

**Ms. Jennifer K. French:** And your point about not requiring consent for that is obviously concerning.

**Mr. Brian Beamish:** Yes, and I think the issue for me is that section 279 rolls a whole bunch of concepts into one section. They roll direct collection, indirect collection, use and disclosure all into one section, which leaves open lots of possibilities.

When I say it's unprecedented, from our experience, privacy pieces like that are much more nuanced than trying to roll everything into, “Let's give all the authority in one section.” That leaves the possibility of collecting directly for purposes where you really don't need the authority for direct collection.

**Ms. Jennifer K. French:** It's interesting: Here at the Legislature, we can't say indirectly what we can't say directly, and here, they are trying to collect directly what they should just collect indirectly.

**Mr. Brian Beamish:** Yes, the reverse.

**Ms. Jennifer K. French:** Okay. Just so I'm clear.

**The Chair (Mr. Shafiq Qadri):** Miss Taylor.

**Miss Monique Taylor:** Thank you for the time that you have spent in bringing the importance of the concerns that you have to this committee.



One of the sections that we thought was really interesting was section 300. It's on page 248 of the actual bill. It says, "take reasonable steps to ensure that personal information is not collected without authority." My concern is with the "reasonable steps." If we're collecting information that we shouldn't be collecting, why would we take reasonable steps? I find it concerning that we wouldn't be more forceful on something like that. Do you see a problem with that? It's like asking someone to take reasonable steps not to drink and drive. You're not supposed to do this, so don't do it.

**Mr. Brian Beamish:** I understand. I think that the understanding is that the collection will not happen without authority. That's the baseline. It's saying to the agencies that as long as they take reasonable steps, they can't be faulted for inadvertent collection, mistaken collection, what have you. I think it's setting a bar for them, to say, "You are responsible for taking reasonable steps."

**Miss Monique Taylor:** Should we not just tell them not to do it, then?

**Mr. Brian Beamish:** For me, that's a given. As the oversight agency, if somebody filed a complaint with our office and said, "That agency collected my information without authority," we would go in and see, first of all, was it collected without authority and how did that collection happen. Was it a legitimate mistake, was it inadvertent and had reasonable steps been taken to make sure that that didn't happen?

We, as the oversight body, try not to get into a "gotcha" situation, where people are trying to act in good faith, yet, for reasons beyond their control, something has happened.

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**Miss Monique Taylor:** Okay. It was just something that caught our attention, so I wanted to make sure that I asked you about it, because you're the guy.

The other thing that was brought up that was interesting from one of the earlier depositions—I'll apologize that I had to leave the room, actually, because I had responsibilities. I apologize that I didn't get to hear all of your presentation, but I know my colleague took really good notes.

The foster parents group were concerned about people across the province having access to their personal information. I guess there are times where they have to look and make sure that no one has been convicted of a crime or things like that, but is there always a need to have so much information fluid?

**Mr. Brian Beamish:** For me, the access and the kind of information that people could be able to access about foster parents—I would view that on a need-to-know basis. Is there a need to collect information about foster parents to ensure that you're placing a child in a credible, safe environment? I think we would all agree, yes.

**Miss Monique Taylor:** Oh, we're all in on that.

**Mr. Brian Beamish:** And should the people making those decisions have access to that information? I think we all agree: Yes, absolutely. Beyond that, the people who could access information about a foster parent

should be those that have a need to know that information.

**Miss Monique Taylor:** Okay. We heard from a young woman who was previously a crown ward. She talked about her concern about her file being able to be opened at any time throughout her life, and she would have absolutely no knowledge of that. What are your thoughts on that? She is long out of the society, she doesn't have a connection anymore, she has gone on to have her own children, and someone has decided for some reason that they want to access her file. She doesn't think that's fair, and I happen to agree with her.

**Mr. Brian Beamish:** I would agree as well.

**Miss Monique Taylor:** So is that crossing a line?

**Mr. Brian Beamish:** To me, that goes back to a need to know. If a person is well out of care and has moved on, there definitely should be restrictions placed on the ability for people to go back and look at a file. I totally sympathize with her position.

**Miss Monique Taylor:** Okay, thanks.

We know that CPIN is the product of choice for data collection and storing of information. We have seen other products within the government, such as the SAMS program dealing with ODSP and OW, that have had severe problems. People are still facing issues—I'm talking about staffing issues in CPIN and making sure that it's all there. What are safeguards that really should be in place to ensure that our data collection system is safe and that information is readily available?

**Mr. Brian Beamish:** I think this goes back to an earlier question. I think there are a lot of policy safeguards and technical safeguards that should be put in place on that. To me, the main concern is that access would be granted to that information to people who don't have a need to know—people who don't have a right to see it. There would be a range of policies that should be put in place in terms of making it clear that staff are subject to confidentiality provisions; technical safeguards—I mentioned the screenshots that come up to tell people, "Don't go in unless you have a right to know"; and the creation of an audit trail and auditing to ensure that people know that their access to the system will be audited.

There need to be consequences if people are found to have violated their authority. That can be a range of things. We see in the health sector that that can include consequences in terms of their job. We have now seen four convictions for people who have violated the Personal Health Information Protection Act by going in—

**Miss Monique Taylor:** Good.

**Mr. Brian Beamish:** The most recent was, I think, a \$25,000 fine. People need to know that there are consequences if they violate the rules.

**Miss Monique Taylor:** Just very briefly: Do you think that what the government has in place right now is sufficient? And are your recommendations—again, I apologize that I wasn't able to be here, but I want to ensure that the government knows exactly what they need to do from the experts to get it right.



**Mr. Brian Beamish:** Our submission includes three appendices that set out legislative language. We've not only said, "Here's what you should do"; we've said, "Here's the language that we think will address those issues."

**Miss Monique Taylor:** Okay. How much time?

**The Chair (Mr. Shafiq Qaadri):** Forty seconds.

**Miss Monique Taylor:** Forty seconds. Jenn?

**Ms. Jennifer K. French:** I was interested in non-prescribed entities.

**Mr. Brian Beamish:** Yes.

**Ms. Jennifer K. French:** Can you give me a clear example of what a non-prescribed entity is?

**Mr. Brian Beamish:** No, because I've never seen one. I only know the prescribed entities, and those are groups like ICES, the Institute for Clinical Evaluative Sciences. They would be recognized organizations that do this kind of work, which to me begs the question: Why would we then give it to a non-prescribed entity?

**Ms. Jennifer K. French:** Well, if it puzzles you, it puzzles us too.

**Miss Monique Taylor:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor and Ms. French, and thanks to you, Mr. Beamish, in your capacity as privacy commissioner of Ontario.

**Mr. Brian Beamish:** Thank you for having me.

#### ONTARIO PUBLIC SERVICE EMPLOYEES UNION

**The Chair (Mr. Shafiq Qaadri):** I'd now invite our next presenter to please come forward: Ms. Deborah Gordon, chair of community services divisional councils at the Ontario Public Service Employees Union, professionally known as OPSEU. Welcome to you and your colleague. Please do introduce yourselves. As you know, five minutes for opening address and then rotation of questions for three minutes.

Your official time begins now. Go ahead. Five minutes now.

**Ms. Deborah Gordon:** Good afternoon. My name is Deborah Gordon and I'm the elected chair of the OPSEU child treatment sector of the Ontario Public Service Employees Union. With me today is Jane Kaija, chair of OPSEU's children's aid sector.

Thank you for the opportunity to speak to you today about Bill 89. Together, we, including our colleague who wasn't able to make it today, Len Mancini, who's the chair of the youth justice sector, represent over 6,100 workers in three important sectors of the broader public service that are directly impacted by this legislation.

Our members have a deep investment in the success of all children, youth and families in Ontario. That's the reason we do the work we do. Front-line workers want better futures for all Ontarians, and we're uniquely positioned to provide insights into the changes that are needed to support them, and into us as workers trying to achieve successful outcomes.

To begin, we want to say that we support the general principles laid out in the preamble to Bill 89. We think that programs and supports for children and youth should be child- and youth-centred and follow Katelynn's Principle, which says that the child's views must be given due weight in accordance with the age and maturity of the child, and that each child should be given the opportunity to participate before any decisions affecting them are made.

We support diversity and inclusion. We believe in the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. We want to eliminate systemic racism and the barriers it creates.

This kind of language is in the preamble to Bill 89, and it is all very forward-looking and 21st-century. Unfortunately, the actual changes proposed in the bill are very minor. They do not live up to the promise of the preamble.

Bill 89 is not a bill to help children, youth or families; it is instead a bill to help the government respond to the numerous recent reports that detail just how badly it is failing to respond to the actual need that is out there in our communities. Bill 89 is no road map for change.

All workers in the child welfare system have seen the encroachment of funding models that actively subvert a child-centred approach. These models focus on outcome measures, quotas, accountability agreements and the perennial management of wait-lists.

Meanwhile, the demand for services has gone up sharply and the services demanded have become more complex. The government's response to these pressures has been to restructure, amalgamate and download. This shuffling of the deck chairs has done nothing to stop the ship from sinking.

In two minutes, what do we need to see in Bill 89? We need a bold and courageous vision, one that is more than aspirational. We need a vision that says that government must address the social, economic and health needs of children; deliberately work across silos between ministries; significantly increase spending on services to children and youth; eliminate the profit motive from the provision of any service to children and youth; and create a system that allows room for innovation and flexibility that will support the unique needs of each child and youth.

We support greater oversight and accountability; licensing for residential services; amplifying the voice of children and youth; and First Nations oversight and governance. But in the absence of radical changes, vulnerable children will not have access to the same life opportunities as other children in Ontario, and in the end, we will all pay.

This is shameful. Right now, Ontario's GDP per capita is at a record high. We really are richer than we think. It is absolutely unconscionable that we, as a society, refuse to recognize the real needs of our most vulnerable children. Yet here we are, witness to a series of cascading failures in the way we provide services to children and youth.



We've had coroners' inquests into child deaths. We've had Auditor General's reports. Most recently, we've had the Report of the Residential Services Review Panel. All of them have pointed to a system in crisis, a crisis that we must now fix.

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The opportunity for a bold and generous vision to help our children and youth succeed is before us now. In our written submission, which you have, you will see 17 recommendations we're putting forward to seize this opportunity. Jane and I would like to thank you very much, and we would like to be able to discuss them with you. We look forward to your questions.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Gordon. To our colleague on the PC side, Ms. Martow, three minutes.

**Mrs. Gila Martow:** Thank you very much. I won't elaborate on your quote, "We are richer than we think," because you're right: There is a lot of revenue coming in and we should be rich, but it seems to have trouble getting to where it should go.

We've heard a lot up to now—yesterday, especially—from some youth who had been in care. It's very emotional. It's very powerful. Everybody wants to consult with the children and the youth, obviously, as much as possible.

But I think what I'd like to ask you is: What are some of the challenges in terms of balancing workers' rights and workers' protections with what the children, especially the youth, want?

**Ms. Deborah Gordon:** I think one of the challenges we've seen over the last 20 years, because of some policy shifts, is that we are having more conversations collegially and cross-sectorally, whether it be children's aid, children's mental health or youth justice. We're going to treatment problem-solving tables now saying, "Who's going to pay for it?"

The funding model that's been in place for 20 years has gone much more to what I call a pay-as-you-go model, a per diem rate, which has led to the loss of 8,000 beds that we used to be able to access. So there's a lot of finger pointing and frustration amongst the workers in terms of being able to find the resources. And sometimes, even if you can find them, then who's going to pay for them?

We've gone to a model where we're checking off, through complex special needs agreement—we've got kids who don't fit in boxes. And then we're left trying to manage them in the community. That's distressing for the workers because we see that not every kid fits in that check-box system.

**Mrs. Gila Martow:** So it's a little bit like the ambulances who go to the emergency room and they don't let them admit the patient, so the ambulance is sort of stuck there waiting for hours, and there are calls coming in.

I don't know what your feeling is, because here we have Jordan's Principle, which was that the funding model was between two ministries, or an agency and a ministry, and it sounds like things are moving in the

wrong direction. I don't know if there's anything you want to add to what your recommendations are—

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Ms. Jane Kaija:** When a child is brought into care, we apply for the child tax benefit immediately. We work in community services divisional, so it's youth justice, child treatment, children's aid, developmental services and women's shelters. There we learned that that could be an apartment for a mother. So those children are taken away and—let's say that the children are returned to the mother before the mother is up—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martow. We'll now move to the NDP, to Ms. Taylor.

**Miss Monique Taylor:** Ladies, welcome. Don't be too stressed by the gavel. It just keeps happening, but it's the only way we're going to keep moving with the short time that we've been given to deal with this very large bill.

Your workers cover many services that encompass our child services. You touch pretty much all of them, I'm sure, so narrowing down is going to be a little bit tough into three minutes.

I guess my question is going to be—you are the front-line workers. You see day in and day out what happens when there aren't enough funds into the services and the sectors that you service. What does that mean to the services that you're able to provide, with the lack of funding and the cutbacks of funding? You're asked to do more with less. What does that look like for you?

**Ms. Deborah Gordon:** I would say it creates a very brittle model. Again, going back to because we are becoming more checklist-oriented—you know, qualifying or, "You're eligible for this level of service"—it doesn't allow for that flexibility between those gaps. There's more pressure to hand off: "We don't do this here. They're going to do it over there." But our experience is that we're all in such funding crises, in terms of our budgets being very limited, that programs that may have been offered over there are also cut.

We understand that families are struggling and thinking, "Where am I going?" The reality is, the pond is getting smaller and we've had to reduce those services. My worry—and we talk about the cascading failures—is that it starts to collapse the whole system. That's why, in our submission, we talk about child poverty and the other social conditions that are impacting it. Those are the things that we get more inflexible at being able to respond to, in addition to what we have to do.

**Miss Monique Taylor:** One of your recommendations is actually a bill that I currently have on the table for whistle-blower protection—ensuring that your workers have the ability to speak freely when they feel that things are wrong, without fear of reprisal. I hope that the government recognizes that there is already legislation in place. All they have to do is pick it up and move it forward, and it's less work at the end of the day. That keeps kids safe. That is the goal of this bill. It allows the worker to be safe in their workspace as well as to protect the children at the same time. So I'm happy to see that that recommendation is there.



**The Chair (Mr. Shafiq Qaadri):** We move to the government side. Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much to the two of you for being here today and for the work that you do every day. I had the opportunity to meet with some OPSEU workers in my riding of Kingston and the Islands who were working for Family and Children's Services of Frontenac, Lennox and Addington. I was very impressed with the level of compassion and their obvious dedication to the work that they do. I learned a lot; it was a great meeting. I have a lot of respect for the work that they do.

Everybody who is here—and I've said this before—is interested in looking after our most vulnerable, our children. That is the most important thing that we're concentrating on and that we're trying to see come through in this legislation.

How do you see OPSEU's role in terms of protecting youth and supporting families through this bill? And how will this bill benefit your role in protecting families?

**Ms. Deborah Gordon:** I'll speak from the child mental health side.

The creation of community plans through the lead agency model, hopefully, will help in terms of some sensitivity to community culture. What works in Toronto may not necessarily work in the north and other parts of Ontario.

There are some concerns, I think, in terms of already implementing the program guidelines—again, that brittleness, if we get too constrictive, with that cookie-cutter model. There could be a challenge in attending to the real community plan, which the lead agencies have been tasked with implementing—again, wanting and speaking up to that flexibility around the funding model piece, which we still haven't heard about in child mental health, of what that's going to look like, and will that allow us to be innovative and flexible in how those community plans are implemented?

**Ms. Sophie Kiwala:** If we can go back to the bill and your understanding of the bill the way that it is now, can you pull out some pieces in the bill that you feel will facilitate OPSEU in their role to protect youth and support families?

**Ms. Deborah Gordon:** Two of the concerns—

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Gordon and Ms. Kaija, for your deputation on behalf of OPSEU.

We are in recess till 2:30.

*The committee recessed from 1410 to 1430.*

**The Chair (Mr. Shafiq Qaadri):** Thank you, colleagues. Welcome back. We are now post-recess, 2:30 on the dot.

#### DEFENCE FOR CHILDREN INTERNATIONAL-CANADA

**The Chair (Mr. Shafiq Qaadri):** I welcome our next presenter, Ms. Samler from Defence for Children International-Canada. Ms. Samler, as you might have seen, you have five minutes to make your opening

address and three/three/three question rotations. Please begin now.

**Ms. Agnes Samler:** Thank you. First of all, thank you for providing the opportunity to address this committee on behalf of Defence for Children International. We were, as many are, overwhelmed with the size of the bill, so we thought what we would do is focus on the youth justice aspects.

There are three areas I would like to speak to. The first is the voices of children; the second is secure isolation; and the third is the number of youth who are on remand in secure custody.

First of all, around the voices of children, I have read section 3 of the bill about the rights of young people, including the right to express themselves and to do that freely and safely without interference or fear. I think if you met with a group of young people who are in custody, they would say to you, "We have no voice." Everything they do is programmed. They eat when they're told to eat, they sleep when they're told to sleep, and they're subject to penalties that fall into the area of torture—that is, things like secure isolation.

People might say that there is a Custody Review Board, and that board has an opportunity to hear from young people. But I must tell you, most young people don't know about the Custody Review Board. They have to make an application, which is difficult for a young person to do, and they don't have help with that. Once it gets to the Custody Review Board, even if the review board thinks that there's an injustice or that rights are being violated, what they can do is make a recommendation. There's no need and there's no obligation for the provincial director to follow that. They can refuse it or ignore it. Once you're caught in that system, you really don't have a voice.

Secure isolation, I think, is something we should not be tolerating in any community that says they care for their children. Secure isolation has long been identified as a form of torture. You can say, "Well, it's only a short time," or, "It's in a de-escalation room." I'd recommend that people have a look at the report from the provincial advocate's office. It's called *It's a Matter of Time*. All you need to do is look through that, at the pictures of the secure isolation units—the cells—and you would know right away, "This is not a de-escalation room."

I think, at some point, we need to say that this is not what we do in Canada and this is not what we should do with children across the world. There's lots of evidence, so if people are looking for evidence, I'd be happy to find it and send it along to you. We have done presentations on secure isolation and have pulled up material from, again, right across the world and certainly from the United Nations, saying that this is not something that should be done to children, that it is a form of torture and it is beyond what is acceptable.

I know that when you rename something and you're trying to get a negative practice wiped out, you say, "Let's call it something else." I don't think that's realistic unless you also change what these rooms look like. They



are literally cells. If you're in one of them and you need anything—toilet paper; if you're a young woman, if you need a sanitary napkin—you have to ask the guard for it. Your toilet is flushed from outside; you ask for toilet paper if you want it.

Do you know what? As members of the Legislative Assembly, you have the right to visit these places. You could probably arrange to spend 24 hours in one of the isolation rooms. I think that would really be something that would be very important to do, because there's no reading material; you're sitting; you have no idea what the time is; and you have no idea, in some cases, how long you're going to be there. So just to experience that: the smells of it, the isolation of it, the food shoved through a door slot—I think it's a good thing for people to do, and you have the right to do it. So that might be something at least some of you might take on.

The third thing is the percentage of youth on remand in secure custody. This is very troubling—

**The Chair (Mr. Shafiq Qaadri):** I need to intervene there, Ms. Samler. Five minutes. Now to the PC side: Ms. Martow.

**Mrs. Gila Martow:** I think that the contrast that we're getting from presentations a little bit is the children who've been in care, youth who've been in care when they were children, as well as, we just heard from OPSEU, from the workers, who have their own concerns—it's a little bit like being an armchair quarterback. It's easy for us to say that there shouldn't be any physical restraints of youth, but we're not the ones working there, and we have to worry about the workers' safety as well.

What I feel is that it's gotten to a negative spiral—and that's what I want you to comment on—where it's the behaviour of kids is being controlled in a punitive fashion as opposed to in a positive fashion to encourage co-operation. That's very disturbing, because for these kids, it's as though they're suffering for the sins of the parents. We always say that children should not have to suffer for the sins of the parents.

What I would ask you is: What amendments can we put forward in the Legislature—concrete steps, because it has to be something that we can actually implement here, that would enable the children to participate in a positive way in their care in the system that, through no fault of their own, they find themselves?

**Ms. Agnes Samler:** I would suggest to you that this section of the act ought to be put aside, because I don't think those steps have been taken. I don't hear in it the voice of the child at all. You hear almost the exclusion of those voices.

I would also say to you that I'm very sympathetic to the people who work in those facilities. I have worked in a detention home myself. I understand the problems that are there. But there are places all over the world where things are done differently. I think it's very simplistic to say, "Their circumstances are so different that we couldn't possibly do that here."

First of all, I think we need to decide that we're not going to treat kids as "the other" or as people who should

be excluded. Once we do that, I think we can start to say, "How do other people do it and how can we implement that here?"

**Mrs. Gila Martow:** Okay. I would say that if you could share with us, if you have any knowledge of other places—I have some knowledge because I spent some time in Israel. Children, instead of being taken into care, they have from 7 in the morning till 7 at night—and it even goes seven days a week, and it's half private and half public. Before kids are taken into care, the parents bring them from early in the morning till late at night, in their pyjamas. They go home in their pyjamas. They have three meals. The parents have to come for counselling and training. The children are even bathed, so—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martow.

To you, Miss Taylor. Three minutes.

**Miss Monique Taylor:** Thank you so much. Would you like to continue your remarks? It's important to hear from you, so I give you the time.

**Ms. Agnes Samler:** This, I think, is an important point—so thank you. If you took a look at who is in secure custody today, most of the kids in custody have not been convicted of the offence for which they've been charged—most of them. So you have kids in secure custody. They're with everyone else who has been convicted, and they're also subject to the same penalties.

Frankly, I think it's important for us to review that system and find out why we have so many kids there who are not convicted. You could have someone there for months. They go to court, they're not convicted and they leave. So how is that justice?

**Miss Monique Taylor:** There were other parts of your submission to us today that I think you wanted to be able to get to, or not. I'm happy to ask questions, but if there were things that you wanted to say on your report.

**Ms. Agnes Samler:** I think those are the critical things that I wanted to touch on. I have submitted copies of the other pieces, like the suspension of visits and lockdowns and so on. I think they're in that report under those segments.

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**Miss Monique Taylor:** Do you have any recommendations that you'll be bringing forward?

**Ms. Agnes Samler:** Yes, I'd like three recommendations. The first is that I think we should take the youth justice piece out. I think attempts have been made to talk to young people and to try and get their views for child welfare; I believe that's true. I think we need to say that what we're doing in the youth justice section of this act is simply embedding what we do now, and it's not right. It is wrong.

**Miss Monique Taylor:** Okay. That's one.

**Ms. Agnes Samler:** The second one would be that I think we should do a review immediately of the children in secure detention. Why are they there? If you look back to the Youth Criminal Justice Act, it says we should not keep people locked up because we don't have enough facilities, either housing or mental health facilities. That's the second one.



**Miss Monique Taylor:** And three, before that gavel comes down?

**Ms. Agnes Samler:** Oh, it's okay. I think I covered it earlier, so it's fine.

**Miss Monique Taylor:** No, you had three recommendations, you said. The first one was take the youth justice out of this piece of legislation, the second was review the children who are in the detention centre, and the third?

**Ms. Agnes Samler:** Close off secure isolation. No secure isolation.

**Miss Monique Taylor:** No secure isolation.

**Ms. Agnes Samler:** I'm going to pass two books around so that people will have a chance to look at what our children are living in when they're in secure isolation.

**Miss Monique Taylor:** How much time, Chair?

**The Chair (Mr. Shafiq Qaadri):** Ten seconds.

**Miss Monique Taylor:** Okay. Thank you for the work that you've been doing over the years. Thank you for taking the time to bring your voice here in ensuring that our children are heard in the detention centres.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. To the government side: Ms. Vernile.

**Ms. Daiene Vernile:** Good afternoon, Ms. Samler. Thank you very much for coming before this committee and sharing your presentation with us, and for the work that you do every day.

At the core of Bill 89 is a child-centred framework. We hope to try to transform the child welfare system. You talked about giving youth a greater voice. If you can give us some details on that: How would you give youth in care a greater voice?

**Ms. Agnes Samler:** I'm thinking particularly of youth justice, because I think there have been good attempts by the current advocate to have young people speak to the Legislature and to MPPs. With youth justice, the kids are pretty much invisible. I mean, some of their comments are in these booklets, which focus just on secure isolation, but we need to hear their voices as much as we hear voices from other children in our society. How I would do that is actually find a way to pull them together and listen to them—and not just listen, but also try to understand what they're talking about.

If you talk to young people in custody—and there aren't many opportunities to do that; they are very much invisible—I think you would hear what they live with every day, and I think you would be startled. There was an inquest on a young man, David Meffe, who hanged himself in custody, and when the jury of just ordinary people—these were not people who were professionals or whatever—heard what had happened to him in that facility, their first recommendation was to close the facility. Now that doesn't help, because there will be another facility. We need to get to the bottom of it. I would go back to things like Roots of Violence and documents like that, and try and pull out what it is that is causing people to be in difficulty and to get into these situations.

**Ms. Daiene Vernile:** You made the suggestion that we ought to look to best practices in other jurisdictions.

**Ms. Agnes Samler:** Yes.

**Ms. Daiene Vernile:** I'm going to put you on the spot. Can you share a few ideas with us of things you see happening elsewhere in the world that we should look at?

**Ms. Agnes Samler:** I wasn't totally prepared for that question, but I do remember meeting with people from Scotland and people from the Netherlands, and they both talked about small, home-like settings to avoid huge institutions where kids aren't people, they're inmates or whatever, and the people who take care of them aren't caregivers; they're guards.

It doesn't mean that there aren't people who commit crimes and need to be pulled away from society. There are people I don't think I'd like living next door to me. But at the same time, I do need to say that what we do with them now makes them worse. When we put them in these kinds of settings—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Vernile, and thanks to you, Ms. Samler, for your deputa- tion on behalf of Defence for Children International.

MS. AMANDA OWUSU

**The Chair (Mr. Shafiq Qaadri):** I invite our next presenter to please come forward: Ms. Amanda Owusu. Welcome. Please come forward. You've seen the protocol. Welcome, Ms. Owusu. You have five minutes beginning now.

**Ms. Amanda Owusu:** My name is Amanda Owusu. I am a former youth in care. I feel happy and blessed to be here—not only to have a say in what I think about Bill 89, but also because I'm able to represent the many voices and opinions of other children and youth currently in care and former youth in care who are not able to attend today.

I think it is important to pass Bill 89 because legisla- tion needs to be updated so the laws of society match the thoughts, events and opinions of the current society. With that being said, it is important that Bill 89 is passed, but only with the very necessary amendments that have been suggested and only after the consistency of the principles stated in the preamble is maintained throughout the rest of the bill.

Bill 89 includes ideas that the Child and Family Services Act did not consider, yet I feel there are still many necessary things that are missing.

Something within the bill that I feel needs to be addressed is the lack of accountability pertaining to quality of care. Under the clause "Funding and Account- ability," the majority of the content and provisions were related to administrative accountability as opposed to accountability for the quality of care being provided. The concept of accountability really needs to be addressed within this new bill because people will not be motivated to do their jobs properly if they know that no one is going to hold them accountable for their actions.

In recent events in Ontario, society observed many examples of what can happen to children when their caregivers lack accountability for the care that is being



provided. Many tragedies have occurred in Ontario within the child welfare system because those providing care for children and youth were not actively being held accountable for their actions. Children and youth are said to be given a voice that needs to be respected and listened to as per Bill 89, yet there is no clause or subsection holding people and service providers accountable for actually listening to this voice. One would think that the actions of those dealing with vulnerable children and youth would be closely monitored, yet there is nothing really mentioned throughout this bill pertaining to the accountability of those providing care for them. In order for the provisions within this new bill to become a reality and actually implemented, I feel that we need to make sure people are being held accountable for their actions.

Katelynn's Principle was stated in the preamble as something that the government plans on committing to but within the rest of the bill is not really mentioned again. This is an example of the lack of consistency that is present within this bill. The bill has good intentions, but these intentions will be nullified if the bill fails to be consistent with the content it is providing. One can argue that it is not listed again throughout this bill because it was said that the government commits to these principles in the preamble, but I feel that this could lead to misinterpretation or miscommunication, which is something we definitely want to avoid when it comes to protecting children and youth.

Some clauses within the bill need more specification and detail. For example, under section 157, the clause speaking about the use of mechanical restraints, there is nothing listed speaking about racism and the impact it has on the use of mechanical restraints. Although it is a taboo topic, it is something that needs to be addressed in order to prevent further misuse of power and restraints. I feel it is so important, especially in the case of young black men, who are often perceived to be out of control or hard to handle, which may lead to an increased use of restraints on a particular population. The preamble acknowledges the presence of systemic racism within society, so a subsection addressing racism and the use of restraints would not only be necessary but also consistent with the key ideas listed in the preamble. The bill needs to be as consistent as possible in order to make sure it is not counterproductive, causing more harm than good.

In addition to my concerns about the consistency, something else that troubles me is the fact that the bill says it aims to place children and youth at the centre of all decision-making, yet under section 21 the consent of children and youth is not needed in order to place them in a residential setting. This is counterproductive and inconsistent with the foundation of principles that this bill is trying to build upon. This contradiction only stresses the importance of consistency throughout this bill. In addition, the increase in the age of protection is a step in the right direction, but I believe that simply increasing the age of protection is not enough. This clause needs to be more specific and really explain what the youth is entitled to. Under this subsection, I realize

that no future supports or plans for youth who interact with the child welfare system at age 16 or 17 have been put in place for them after their agreements with the child welfare agencies are terminated. Some support needs be in place for these children after they reach 18 because the fact that they have a birthday does not mean they are still not in need of protection. I predict that if this section is not revised, this provision will end up being a loophole in the legislation, which will enable a small population of forgotten youth to grow. The youth who come in contact with child welfare agencies did not have the supports in place which are necessary to the well-being of the child or youth, which is why they were in need of protection in the first place. So I ask you, how does it make sense to just snatch these supports away so abruptly? It doesn't, and doing so would be in the worst interests of the youth.

I thank you for taking the time to listen to me, and I also thank you for the opportunity to be here today.

I am optimistic when it comes to the future of children and youth in Ontario.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Owusu. Miss Taylor.

**Miss Monique Taylor:** Thanks for coming. You did such a great job.

**Ms. Amanda Owusu:** Thank you for having me.

**Miss Monique Taylor:** We're thrilled that you're here, Amanda. It's really important that we hear your voice and that we hear your life experiences.

Are there things that you want to share with the committee—not just talking about the bill specifically, but how does your life relate to the bill? What could have made a difference in your life? What could make a difference in lives going forward?

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**Ms. Amanda Owusu:** Something that I addressed when I was presenting was accountability. I feel that's something that I can really speak to, from my own personal experiences.

While I was involved with the child welfare system—when I was in care, I should say—different actions were done by my worker that could have been prevented, if she was being held accountable for what she was doing. In a sense, she was being held accountable because she has to report to her supervisor, but not really, which is why I feel she was able to act the way she acted.

I feel like if we're really placing importance on holding people accountable for what they're doing and really making sure that people are doing what they should be doing, a lot of the issues that are present within the child welfare system right now wouldn't really be present, if that were to be happening.

**Miss Monique Taylor:** Do you think that maybe you weren't the centre of the focus possibly in that scenario and that they were focused on doing other things, which has led them to maybe not give you what you need? If you had been more the centre of the approach and the reason for being, instead of the report or this or that—if it was focused more on you, it would have made sense for you?



**Ms. Amanda Owusu:** I agree with what you're saying. I feel like, if I was actually put at the centre of the decisions that they were making and I had a voice in what was going on, like I said, a lot of the issues that I had while I was in care wouldn't have been present.

**Miss Monique Taylor:** Right. Is there anything else that you'd like to share with us today?

**Ms. Amanda Owusu:** In my submission, I outlined everything that I want to speak about.

**Miss Monique Taylor:** You've got so much in here. It's amazing.

**Ms. Amanda Owusu:** Yes, it's pretty long. Everything is in there. But if there is something specific that you wanted to ask me a question about, I can address it.

**Miss Monique Taylor:** Were you ever in a residential facility placement?

**Ms. Amanda Owusu:** Yes, I was. I was in a foster home.

**Miss Monique Taylor:** In a foster home or in a facility, like a group home?

**Ms. Amanda Owusu:** No, not in a group home.

**Miss Monique Taylor:** Not in a group home?

**Ms. Amanda Owusu:** No.

**Miss Monique Taylor:** You were in a foster home?

**Ms. Amanda Owusu:** Yes.

**Miss Monique Taylor:** Do you feel like you were spoken to enough, asked your opinion?

**Ms. Amanda Owusu:** By?

**Miss Monique Taylor:** By anybody who was making decisions about you. Did they ever ask your opinion?

**Ms. Amanda Owusu:** No, they didn't. I was kind of excited to see that Bill 89 states that children and youth are going to be placed in the centre of the decision-making processes, because when I was in care, that's something that really was not happening. I'm excited to see that's being implemented, but I feel that it needs to be consistent throughout the bill in order to actually make sure that—

**The Chair (Mr. Shafiq Qadri):** Thank you, Miss Taylor.

To the government side: Ms. Vernile.

**Ms. Daiene Vernile:** Actually, I believe—

**The Chair (Mr. Shafiq Qadri):** Mr. Potts? Any takers? Mr. Colle.

**Mr. Mike Colle:** Thank you for your presentation. One of the things that I think you mentioned was about the need to be cognizant of different cultural groups that live in Canada. I represent an area with a lot of immigrants. Many have come from the West Indies.

I find that the system that's supposed to help some young people who are vulnerable and come from a very challenging home situation is a system that's almost based on old Anglo-Saxon, Leave It to Beaver-type settings that do not fit where that child comes from. Have you found that in your experiences?

**Ms. Amanda Owusu:** In terms of culture and the different services being provided, I found that when I was in care, my culture wasn't really taken into consideration, in terms of placing me in different homes and the

activities and services being provided to me. I feel like it is something that needs to be addressed, because it is something that makes a really big difference.

I find that embracing the culture of somebody sets a foundation for the person to grow. I feel like I was put at a disadvantage because I wasn't given the experiences and the information about my culture that I would like to be given, and that led to some more difficulties along the way for me.

**Mr. Mike Colle:** One of the things that we've been working at along with some pastors is setting up home centres that are based more on the traditional models you might see in the West Indies, for instance, where there is a prominent role played by women, by grandmothers and the extended family. You might have two or three mature—usually, it's mothers or aunts or grandmothers—in a household where the children come into that group home setting, where they get nurtured and supported by not just the traditional operators of a group home or some agency, but it becomes more—there's the old saying, "It takes a village." Have you ever run across that approach at all? I know it's very difficult to get people to accept this, and I don't see it in the reports here. But why not try that kind of model just to see—a test, a pilot project?

**Ms. Amanda Owusu:** In terms of what you're saying, I agree: Why not try it and see how it works out? If anything, it can't really do any harm—

**The Chair (Mr. Shafiq Qadri):** To the PC side: Ms. Martow.

**Mrs. Gila Martow:** Thanks for coming in. It's nice to meet somebody who talks even faster than me.

There's a lot of preamble that says that children will be consulted, but if you actually read the bill, there's not too much that actually enforces that. That's the challenge here: making the bill reflect what we're discussing and making the bill reflect the preamble and what the experts and the youth want.

I think it's easy to consult with youth. But what are some of the ways that you think we can better consult with children, without scaring them? I think that sometimes it's genuine when people don't consult with children—because they're afraid to scare them. Do you have any thoughts on how we can consult with children about if they might have to be moved or what their feelings are or things like that? Do you think we're better off having those conversations than keeping them in the dark?

**Ms. Amanda Owusu:** We should acknowledge the fact that children and youth in care or who are involved with the child welfare system are forced to grow up faster. So addressing these issues with them—yes, it may scare them, but at the end of the day I feel like it's not the worst they've been through, and they're at a level where they can understand what it is you're saying to them. Just having that conversation with them and addressing the issue that you have wouldn't really be that big of an issue. Personally speaking, although the situation may be negative, I'd rather have somebody explain to me what is



actually happening, as opposed to being kept in the dark. I can only speak from my own experiences, but I feel like other children and youth in care would also like the same thing, because that's something that I would have liked.

**Mrs. Gila Martow:** I think that a lot of times with children and youth, things that are very important to them—the adults who are working around them don't always appreciate how important it is, just a little stuffed animal or something like that. We heard from a previous presenter about how children are not even given a suitcase, that their stuff is put in a garbage bag. What can we address, in terms of making children feel that they're part of the community—and if it's as simple as keeping their own pillow?

**Ms. Amanda Owusu:** What I'm about to say sounds really simple, but I can't really explain it any other way. Just involving them in what's going on, in terms of the setting that they're placed in; involving them in the day-to-day activities, like asking them to prepare dinner with you; or just involving them in the normal traditions and activities of the house—I feel like that would be a way to solve that issue, to make them feel welcome.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Owusu, for your deputation and presence.

#### CROSS-OVER YOUTH PROJECT

**The Chair (Mr. Shafiq Qaadri):** Now I invite our next presenters to please come forward: Mr. Matthew Eaton-Kent of Cross-Over Youth Project and your colleagues. Please introduce yourselves. Your time officially begins now.

**Mr. Matthew Eaton-Kent:** Good afternoon. My name is Matthew Eaton-Kent. I'm the resource coordinator and lawyer with the Cross-Over Youth Project. With me is Josh Lamers, the equity and diversity adviser for our youth committee, and Pete Dicks, one of our case-conference facilitators.

The Cross-Over Youth Project committee was formed with members across 10 service sectors, all seeking to understand what causes a trajectory from youth child welfare to the youth justice system. The scant data we have suggests that 50% of youth in criminal justice start in the child welfare system. One of the committee's top priorities was addressing the lack of meaningful collaboration across the service sectors. As a means of fostering co-operation, the committee recommended a pilot project in four geographic sites in Ontario. The committee mapped 25 intersection points between youth justice and child welfare, with each pilot site tackling the intersection points most pressing to their area.

Our hope is that these laboratories of innovation provide a framework that can be rolled out across the province and even country-wide. Our ultimate measure of success is to keep these youth from being criminalized and out of the adult system.

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Cross-over youth, by their nature, have been traumatized. The trauma negatively affects the youth's ability to

self-regulate, build capacities and relate to others. To say that these youth live with PTSD is to simplify the matter. They face other compounding mental health issues, such as learning disabilities and developmental delays, as a direct result of the experience with trauma. The youth are also often racialized. Taken together, the volume of systemic challenges is almost overwhelming in even just a single case.

Our current system places these vulnerable youth in very high-risk environments for experiencing further trauma. This is especially true when it comes to incarceration. A disproportionate number of youth in the youth justice system come from care. A BC study found that youth in care are over six times more likely to be charged with a criminal offence. Additionally, youth in care have a one in six chance of being detained or sentenced to custody, while the general youth population only has a one in 50 chance of having that experience.

Since 2007-08, the number of youth in pre-trial custody has been higher than those serving a sentence. This crisis is especially acute for youth in care. We have found that cross-over youth face constructive discrimination at the bail stage, as the courts are set up most readily to release youth into a nuclear family. The courts struggle to conceptualize a release plan that navigates the complexities of the youth care system.

We see system-provided guardians who don't fight for their youth the way a parent would. We have youth who, once charged, are kicked out of their group homes. Pending charges then change their CAS placement profile. This results in workers showing up to court with only one bad option for where the youth is to reside, or sometimes none.

Increasingly, they are offered a placement option that is a tremendous distance from their family, their friends, their school, their community—the environment they know. We have cases where the youth would rather be locked up than banished to some of these homes. In the cases where the youth brave the unacceptable conditions of their placement, they run shortly after release and they return to the neighbourhood they know, hopping from shelter to shelter, crashing on couches and even sleeping on the streets.

Once on the run, they live in fear of returning to any kind of institutional support. The youth fears recriminalization for breaching a condition of their release. Without this support, the youth is susceptible to drugs, theft and human trafficking.

I am here to highlight this extreme but all too common example. Our project has been involved in multiple cases whereby workers who are governed by this act do not listen to the youth, let alone actively seek out their perspective. It has led to negative and often extremely dangerous outcomes for cross-over youth.

Our project firmly supports strongly codifying the submissions made that the youth's voice must be actively sought, considered and given equal weight in every decision that affects them.

Thank you. I want to pass my time to Josh.



**The Chair (Mr. Shafiq Qaadri):** One minute.

**Mr. Josh Lamers:** I'll use whatever time I have left. I'm from the youth side. My name is Josh.

To get to the meat and potatoes of what's being said, the reality is that you're criminalizing someone's trauma. You are telling someone, "The way you feel is wrong." As many folks were discussing today, being in care, you're not necessarily given the tools to be able to display your trauma however we deem "proper." Whoever is in care then experiences police being called, being moved to particular spaces and places that are also traumatizing, so they're not healing. The youth who we tend to work with, the youth who I've met, have experienced this before, and some of the youth I've worked with have experienced it before.

To have your trauma criminalized is a problem. It means that no matter what space you take up, you do not get to feel, "Because we do not think it's okay." You need to question if Bill 89 takes this up. The reality is, a lot of the language that says "should be," "would be," "if possible" does not do that. We at Project C—that's the name of the youth side—we actually do it because we're youth.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Lamers and your colleagues.

Miss Taylor, you have the floor.

**Miss Monique Taylor:** Oh. Thank you very much, Chair.

**The Chair (Mr. Shafiq Qaadri):** You're always surprised.

**Miss Monique Taylor:** Thank you for your participation. Thank you for bringing this portion to the committee. Do you feel that there are any changes in this bill that will make a difference for the young people you're representing today?

**Mr. Josh Lamers:** I guess I can speak to it from what I've read. I think there are some important things that have been included in this bill. I do also think that a lot of folks have highlighted issues around race, culture and how young people are treated. We know that black and indigenous young folks in care tend to experience what we've outlined.

I would say overall, no. The language has changed and the intention might have changed, but I don't think the result will change. Unless, as some folks have said, the teeth of the preamble are actually shown, this problem is going to continue.

**Miss Monique Taylor:** I find it very interesting that the word "recriminalizing" is happening here because it's so true. When you hear the story that you tell of a youth who, first of all, has been taken from their home, so they're angry and they're lashing out in every direction—they're running away, they're ending up on bail.

How many times does a youth run away from a residential care facility, and the first thing they do when they miss the 8 o'clock curfew is they call the police? So now they've found themselves in corrections. They're ending up in jails without bail because nobody is coming with a good solution. This is troubling. You're so right: Now they're so angry and they don't have the tools

because they've never grown up with anybody to provide them those tools.

I like the taking out those "mays" and putting in "shalls" and those kinds of things. Any other recommendations to really put some teeth into ensuring that these youth really get the ear that they need?

**Mr. Matthew Eaton-Kent:** We will be submitting written recommendations but, following what Josh has said, one of the points that we're trying to make today is that the equal voice and giving equal weight to the expressions of the youth needs to actually be codified. Because, in our experience, when you leave it up to the discretion of a worker or you leave it up to the discretion of the court, they don't side with the youth. They don't listen to the youth. They have an adult conversation amongst themselves and don't listen.

**Miss Monique Taylor:** So, Katelynn's Principle, which I'm sure you've all heard of, would be so important to ensuring that it's throughout the legislation and not just in the preamble, and making sure that there's actual assessment tools to go along with that, so that we can come back and review and say, "Was this measured properly?"—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. To the government side: Mr. Potts.

**Mr. Arthur Potts:** Thank you, Chair and thank you, gentlemen, for coming in and sharing. This is an extraordinarily important project. Just getting a sense of what you know already and what you're doing, you're identifying that downward spiral that starts with the unfortunate circumstance that someone is taken away from their biological parents or their adoptive parents because of circumstances and into the foster care program. I really appreciate very much you highlighting that aspect.

I was actually going to ask similar types of questions. I don't want to put you on the spot, Pete, but do you have something that you want to add at this point? Just to speak a bit about your voice and the work that you're seeing?

**Mr. Peter Dicks:** Yes, I mean, in the work that we do, the voice is the primary factor. That's really what we want to highlight here. There's no reason for these youths to be in pre-trial detention. It's because plans of care can't be constructed to satisfy the court, because from the first instance, the youth voice isn't brought as a central component to developing the plan of care.

They exhaust options within the city for group homes for any number of reasons, but typically due to a lack of planning on the front end. Then, as a result of that, they're forced to group homes that are further and further away from the resources and then forced to leave, unattended, and then subsequently get arrested.

**Mr. Arthur Potts:** Are you encouraged by the fact that indigenous youth and racialized youth are given more prominence, so that there's an identification that this is an area where we need special focus and attention?

**Mr. Matthew Eaton-Kent:** I think that it's good that it's mentioned, but I think the scale of the problem is not known.



We are in Belleville right now as one of our pilot sites. A real huge plurality of the youth that are in the group homes there are being flown from reserves 14 hours away to go live in Belleville. They have no connection there. There is almost nothing—there are native court workers there who are of different backgrounds and who don't relate to them. They're being lost in the system there.

**Mr. Josh Lamers:** Also, from the various other community work, that I think it's easy to say that we want to address issues around race. But my question for you is, actually, are you actually collaborating with community organizations that speak on this issue? Often they provide recommendations. For example, they would probably speak to the fact that—why are you assuming that all indigenous folks are the same, when they come from different clans and different spaces, and have different beliefs?

Again, I think that the intentions are good but, when you show the teeth, there aren't any, is what I would say. I think it requires a lot of collaboration with organizations that already speak on this issue.

**Mr. Arthur Potts:** Is there a prejudicial self-consciousness that makes it difficult to place indigenous youth in traditional white families or black families, or black children into white families? I know that there's an effort made to be as close as you can to mirror the experience, but is that actually essential?

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**Mr. Josh Lamers:** Given the fact that I myself have experienced a transracial adoption—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Potts.

To the PC side: Ms. Martow.

**Mrs. Gila Martow:** Just finish your sentence.

**Mr. Josh Lamers:** I was going to say, given that I myself have experienced a transracial adoption, and as someone previously actually just spoke on, it is important to have access to your racial information. It is important because there's a whole history that, to me at the age of 20, coming from—I was also placed in a small town. Here I come to Toronto; I'm learning all this information at a later stage. So while I'm learning to be black, it's not information that I had when I was younger. So yeah, it's an important thing because there are also a lot of experiences, when you experience a transracial adoption or transracial placement, that the people who are supposed to be caring for you—I guess I'm answering you—they don't know how to manage that. My adopted parents did not know how to manage when I experienced anti-black racism. So often, it was to be like, "Okay, well, shh, don't talk about it." There's a reason why this issue keeps being brought up: because it is a lived experience that negatively impacts you and again is left up to the youth to figure out and for the youth to manage. For example, now I have to teach my adoptive parents how to actually interact with black folks, because that's not something they've ever understood.

I would say, yes, it's an important aspect to actually consider and address.

**Mrs. Gila Martow:** I think that's part of actually what I wanted to ask you about, which is education. I think that education is important, and I think that there's a lot more that our education system and our school boards could be doing to support kids who are in care.

One of the problems that I envision is that it's different school boards in different parts and different regions, and the kids move around to different school boards. I don't know if you have any thoughts on if it should be more of a province-wide virtual type of school board to help the kids in care, so their credits are more easily transferable.

**Mr. Matthew Eaton-Kent:** We're finding a lot of kids languishing when they're sent to group homes because they're not immediately enrolled in schools. I think some of the operators don't feel the pressure. I'll say this: There are even some group homes that are operating their own schools, and they look an awful lot like residential schools when you start to see the makeup of who is there and who is teaching them and who is on staff.

There needs to be more teeth in the regulatory agency of the education ministry, and not just—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martow.

Thanks to you, Mr. Eaton-Kent, Mr. Lamers and Mr. Dicks, for your deputation and presentation on behalf of Cross-Over Youth Project.

MS. MYRIAM BALS

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenter: Madame Bals, êtes-vous là?

**M<sup>me</sup> Myriam Bals:** Oui, je suis là.

**Le Président (M. Shafiq Qaadri):** D'accord. S'il vous plaît, vous pouvez continuer en français ou en anglais. C'est votre choix.

**M<sup>me</sup> Myriam Bals:** Est-ce que les personnes sont équipées pour écouter en français, pour avoir la traduction? Parce que je peux le faire en anglais.

**Le Président (M. Shafiq Qaadri):** Non, non, ce n'est pas—

**M. Mike Colle:** En français.

**Ms. Myriam Bals:** I can do it in English, but my English is not as good as my French.

**Le Président (M. Shafiq Qaadri):** C'est probablement meilleur pour les anglophones ici.

**M<sup>me</sup> Gila Martow:** Oh, non. En français, s'il vous plaît.

**Ms. Myriam Bals:** Okay, so I will do it in English.

**Le Président (M. Shafiq Qaadri):** Vous avez cinq minutes. S'il vous plaît, commencez maintenant.

You have five minutes now. Please begin.

**Ms. Myriam Bals:** My name is Myriam Bals. I'm a professor in social work at Laurentian University. I have also adopted a child from a child-family centre in Sudbury, and I have been on the board. So I know social work from three perspectives, you know?



As a professional and as a parent, I have some concerns. I'm very grateful that you invited me to give my opinion about Bill 89, because there are huge systemic problems that should be addressed.

One of them is that the OCYS, in the first place, is there to protect the children, but unfortunately they have too much power. The power comes from the fact that they're not controlled enough by the government, and when there are problems, it's hard to sue them. It comes in the first place from the fact that most of the workers are not registered professionals. As non-registered professionals, they just follow the policies of their agency. Unfortunately, most of the time, they violate the code of ethics of social workers, and instead of helping families and helping the children, they break families and they break the children. That's a problem.

They have very oppressive practices. The public is not protected because they're not members of a professional college, so they can use power trips, harassment and intimidation. They don't fall under the law about professional misconduct, because professional misconduct just applies to social workers who are registered with a college. The public is in danger—the kids and the parents.

They practise intimidation and harassment, which violates the law. They have the same mentality as, I would say, residential schools: that there is one best way. As my accent can tell you, I come from another culture—I'm European—so my mentality is different. It's very hard, most of the time, to deal with them, because they want to impose their culture, their viewpoint. When they do that, in fact, they are violating the Canadian charter, section 2. As well, they discriminate against immigrants, and that's section 7 of the Canadian charter that they are violating.

When the kids are under their care, unfortunately, it's not for their best. Foster families are trained to report the kids all the time to the CAS workers or call the police. Kids, right now, cannot be kids anymore. Any mistake will be criminalized, which is a big problem and would jeopardize the lives of these kids and their families.

The other problem is that they don't respect the kids' rights. As well, they disrespect the parents, because they have the philosophy that if someone called against the parents, it's true and the parent is bad. Consequently, it's very hard to have communication with the workers. If you look at the systemic way as well, they don't have any booklets to provide a parent with their rights. They don't have any booklet to provide the rights or the duties of the workers either.

The other problem is access to files, because lots of these workers have their cultural backgrounds and bias. They write inappropriate comments on the parents, but the comments stay in the files for the whole life of the parents. As well, we have to question the Ontario assessment tool, which is very restrictive. The problem is that, even if the parent is innocent and it has been proven that nothing has been done, he's still called. Whether or not he's guilty, every time someone is called against the parents, this call will go higher, higher and higher.

That assessment tool should be changed, and when the parent is innocent—

**Le Président (M. Shafiq Qaadri):** Merci beaucoup, madame Bals. Vos cinq minutes sont maintenant terminées. Nous commençons avec les questions de chaque parti pour trois minutes. Commençons avec le gouvernement : M. Colle, en anglais.

**M. Mike Colle:** Merci, monsieur le Président.

Myriam, if I may call you that, you've done extensive work with disadvantaged immigrant groups, right?

**Ms. Myriam Bals:** Yes.

**Mr. Mike Colle:** And also with aboriginal communities, indigenous communities?

**Ms. Myriam Bals:** Not with aboriginals, but that's a field that I teach.

**Mr. Mike Colle:** Oh, I see.

**Ms. Myriam Bals:** To make people aware of their conditions, because of the high levels of racism and ignorance about aboriginal communities and what their life really is.

**Mr. Mike Colle:** Yes. I was just trying to understand. The disposition to be, let's say, hostile to the young people and youth in their charge—where does the fault come from? Is it the individuals who are charged, or does it come from the policy framework?

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**Ms. Myriam Bals:** It would be more the policy framework.

**Mr. Mike Colle:** I know we don't have much time, but what's the key thing we have to change in the policy framework to start to reverse this predisposition to, basically, discriminate based on cultural background?

**Ms. Myriam Bals:** Well, both the parents and the children should be able to complain very easily, because right now, what CAS say to parents is, "If you don't like what we write about you, just go to court." Going to court is thousands and thousands of dollars. So both the parents and the child—now there is the provincial advocate, but the child is supposed to be the one reporting. But the parents are automatically "bad parents," and they should be heard as well. There should be an easy mechanism.

**Mr. Mike Colle:** How do you envisage that? There would be, let's say, a intervenor, a mediator that would be accessible to families—

**Ms. Myriam Bals:** Well, the provincial advocate maybe should have more power, as well as the Ombudsman.

**Mr. Mike Colle:** You're talking about the child advocate?

**Ms. Myriam Bals:** Yes.

**Mr. Mike Colle:** I'm not sure whether he has asked for that. I'll have to check and see.

So you see the necessity to have this intermediary step that is outside of going through the court system, and it has to be available in different parts of the province and it has to be easy to access.

**Ms. Myriam Bals:** Yes, because what CAS does right now, I think, in Sudbury is that they don't let parents



access the file. They say that you have to go to court, and even when you go to court, you cannot have a copy—

**Le Président (M. Shafiq Qaadri):** Merci, monsieur Colle. Nous procéderons avec les conservateurs. Madame Martow.

**Mrs. Gila Martow:** Merci, monsieur le Président et Myriam.

I want to speak in English, even though I can speak in French, because there are those here who don't speak French. I just want to, while I have you on the line, ask you if you feel that there's any difference in services between the French-language services and the English-language services in Ontario.

**Ms. Myriam Bals:** Well, as a francophone it's harder sometimes. If you go on the website of the Sudbury CAS, for the past three years they've said that the French site is under construction, and there is nothing in French.

**Mrs. Gila Martow:** The French side is a little what?

**Ms. Myriam Bals:** The website in French doesn't exist. It's under construction. It has been for the past three years. So if you want information, you'd better read English.

**Mrs. Gila Martow:** Aha. This is the challenge, I think, for many francophones. They tell me that there are services for francophones, but they would have to wait longer or it's more difficult, so they just navigate through the English. Is that what you find?

**Ms. Myriam Bals:** That's true.

**Mrs. Gila Martow:** That's unfortunate. I think that the crux of a lot of the problems in society is education. Do you feel that our education system is responsive enough to children in care? Because I hear sometimes—you just imagine—that a child is moved and they are moved between schools, and how difficult it is. Should there be a program in the schools so that the teachers are somehow able to better integrate the child and show more support for foster parents or residences or workers?

**Ms. Myriam Bals:** Yes, but at the same time they shouldn't exclude them because the other kids will feel the exclusion. You have two sides of the middle. So maybe instead the prof should be more aware of the reality.

**Mrs. Gila Martow:** Yes, it's very unfortunate. Okay, well, thank you very much, Myriam. Merci.

**Ms. Myriam Bals:** You're very welcome.

**Le Président (M. Shafiq Qaadri):** Merci beaucoup, madame Martow. Je passe la parole à M<sup>me</sup> Taylor du NPD.

**Miss Monique Taylor:** Thank you very much, Myriam, for calling in, being part of this process and knowing that your voice is so important to be heard when it comes to oversight of our children's aid societies. I'm sure you know I've asked for Ombudsman oversight twice now. Unfortunately, we weren't given those powers. We were, however, given the ability to give the child advocate more powers to be able to raise a child's voice. But it still leaves me concerned over an adult's voice, over a parent's voice. Unfortunately, the advocate

doesn't have enough powers to be able to fill in that gap. So I completely understand what you're saying.

Tell me, how do you find the Child and Family Services Review Board working?

**Ms. Myriam Bals:** Well, as a board member, we see just the nice side, and it's only administrative. When we bring problems to the board, we're in conflict, and we are silenced or we have to resign.

When I adopted my kid, I made a complaint about the last foster parents because my kid was not in safe conditions, but since CAS workers loved that family, they covered up. I was asked to remove the complaint or to resign, and I resigned.

It's very important to protect the children but also to listen to the parents. You have very good parents who are looked over by a CAS, especially from different cultures. I can tell you that here there is somebody who made a comment about me, saying, "Myriam Bals believes that there are cultural differences between Europeans and Canadians." When you have a worker like that—if you don't speak like her—you're in danger and your family is in danger.

**Miss Monique Taylor:** That's really unfortunate.

So what you're looking for in this legislation would be another form of oversight—that would be able to hear the troubles from families and, I'm sure, with quick results; something that could be turned over easily; where you could be able to report something to. And you don't find that reflected in this bill. I don't think I've seen anything in this bill that actually reflects that. Have you seen anything?

**Ms. Myriam Bals:** CAS must be accountable and transparent, and you see they don't let the parents access their file.

**Miss Monique Taylor:** They've given the minister more powers of oversight. But you can imagine how long it will take you to get to a minister when you have an issue that's local to your society. They're going to tell you to go to the local board, then the Child and Family Services Review Board. It's time-consuming, and that has kept you away from your children long—

**Le Président (M. Shafiq Qaadri):** Merci, madame Taylor, et à vous aussi, madame Bals, pour votre députation par téléconférence. Au revoir.

MR. JOHN STAPLETON

**The Chair (Mr. Shafiq Qaadri):** I now call upon our next presenter to please come forward: Mr. Stapleton.

Welcome, sir. You have five minutes. You've seen the drill. Go ahead.

**Mr. John Stapleton:** Thanks very much. I'm an independent social policy analyst here in Toronto, for the last 40 years. I've been with government and outside of government.

I direct you to section 121(1) of the bill, where it says, "A society and, in the case of a First Nations ... an agency, may provide care..." I'm only asking for a change in two words, so this might be one of the simplest



amendments that you'll hear along the way: Change "may provide" to "must offer" in section 121. It should not be permissive. The offer of service should be mandatory, and now I'm going to spend the rest of the time telling you why.

Each year, several hundred children leave care because they have reached the legal age of adulthood. Leaving care because they reach adulthood is called aging out. First, think of all the times you've pulled down a bottle of pills from the medicine chest only to find an expiry date that is already six months past. Remember the apprehension: "Should I throw it out or should I just trust its effectiveness one more time"? We commonly use the concept of an expiry date to mean the point of time when a product becomes either ineffective or unsafe. Best-before dates suggest a similar thought but without seeming so final—like products that have lost their edge or items that are still usable but not quite as crisp or flavourful. Young people who do not live with their parents as they reach the age of 18 often see a similarity between commercial expiry date messages and their lives in the hands of government. Aging out means you've expired.

Second: You're an adult now. You wake up on your 18th birthday and you realize that you've reached the age of majority. You can take on adult responsibilities. As planned, you have a birthday brunch. You blow out the candles. And then you go for a ride. You drive downtown in the back of the car and head for an office with a sign that says "Social services." All three of you go in and wait for the officer of the department. Your parents note optimistically that you can't live with them anymore and they can't and won't support you. They are not happy or sad; it's just a matter of fact. Since you have no income or valuable belongings, they thought you might qualify for welfare. After the application is taken, you get back in the car and your parents drive you down to a shelter for homeless adults. They don't look worried or angry; they simply say, "Let's hope there's room for you tonight. Look us up sometime."

1530

This story is hard to believe. Real parents don't behave like this. But as cruel as it seems, this is exactly what happens to some children leaving state care at the age of 18. This story is not a commentary on the foster parents who do so much for children or the child welfare agencies that must follow strict rules when it comes to the age of independence. Laws that were made to manage the responsibilities of private citizens are being used to manage public policy. In many ways, the two could not be further apart. A child should not dread going into adulthood, and that's often what happens.

Canadian young people who depend on their parents often can continue to receive their support and guidance well into their twenties, yet one group is often expected to be able to care for themselves after their 18th birthday, and that's the thousands of young people who don't have parents to help them through: those who grow up and age out of foster care.

In the past 10 years, thousands of youth in Ontario who were removed from their first homes have left their second home in the child welfare system because they've become too old to remain in it. They age out of care. In other words, they reach their best-before expiry date and they face many challenges as they leave government care to become adults. No matter how rich or poor a family may be, it is hard to imagine that any parent would tell their children to get down to the welfare office once they turn 18. Most parents would consider this to be irresponsible.

To be sure, there's a program called the Extended Care and Maintenance Program, and there's other help we know of that the youth who age out get with their education and their university careers, in addition. But why is welfare and the welfare office wrong? First, these programs are only offered to people who have no other resources. They're meant to be short-term, and nobody has an automatic right to receive them. Ontario Works is a welfare program based on rules about who cannot receive benefits, not who can. The way the law is written, no one can receive benefits unless they can demonstrate certain conditions.

Second and most important is that the child welfare authorities that often send young people to Ontario Works in the first place. This practice goes completely against the way most parents behave. We know from research that youth who age out of care end up receiving welfare for many years, something that disturbs most of us. However, we should not be surprised considering that government sends young people for welfare in the first place. That's why there are so many on it.

The child welfare system is not to blame for these problems. Child welfare workers often have very few choices. They can send them to a hostel for the addicted, the streets or the welfare office, and all too frequently they are forced to do all three. Compared with other young people, youth aging out of care are more likely to drop out before completing high school, become a parent at a young age—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Stapleton. We now move to the PCs: Mr. McDonell.

**Mr. Jim McDonell:** Maybe just continue with what your last—

**Mr. John Stapleton:** Okay. Thank you.

Youth aging out of care are more likely, among other things, to be unemployed or work at low-paying jobs, be in jail, be involved with the criminal justice system, be homeless, have mental health problems and abuse alcohol or drugs.

International research has found that youth aging out of care have better outcomes when they complete high school, have post-secondary opportunities, have positive role models, avoid alcohol and drug use, get life skills and independent living training, and experience stability while in care. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Ms. Martow.

**Mrs. Gila Martow:** Right now in the province of Ontario, I believe if somebody is home schooling, say, they have access to this—I call it the virtual school



board; I'm sure it has a better name. I feel that it's challenging for the workers and obviously for the youth who are trying to finish high school—but think of it, if they did three or four months and then they're moved to another school board. They don't count those three or four months that they just did because it's not a complete credit, and even if they finish a credit, it's hard to transfer it.

I don't know if you have any thoughts on what we could do to support the case workers, the social workers and the youth so that they can use those months of high school credit. Should kids in care—I hate to say it—be part of some kind of virtual school board so that they can move around and use all those hours of credits and do more online courses? What more can we do to help them finish high school? Because I agree that it is absolutely imperative that we get as many kids as possible to finish high school.

**Mr. John Stapleton:** The very first thing we should do is try to extend the supports that we give through the children's aid societies up to the age of 25 and in some cases even longer if they need it. All of the eras that we live in—our average age now as a society is in the mid-forties. When these laws were first made years ago, the average age was 26 in this province and country. So I think that as long as we recognize that that period of youth extends up to 30 in many cases, and many adult children are still living at home, any of the experiences—and the one you mentioned of home schooling and those credits—should be available. The key is to offer it for a much longer period of time rather than up to 18 or 21.

**Mrs. Gila Martow:** Thank you very much.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martow. Miss Taylor?

**Miss Monique Taylor:** Thank you, Mr. Stapleton, for being here with us today and for taking the time and seeing the need to ensure that the youth who you feel are falling through the cracks within this legislation have a voice, and that your opinion is heard on that. It's really important.

I have a question: So 16- and 17-year-olds will be brought into care who previously weren't.

**Mr. John Stapleton:** Right.

**Miss Monique Taylor:** But that group that comes in, if you're 16 years old, by the time you're 18, you're out the door, where other ones have the ability for the extended care. I guess that goes with what you're saying, that that shouldn't be happening, right?

**Mr. John Stapleton:** Well, the apprehension of 16- and 17-year-olds is a very important issue. It's not one that I have well-formed views on. But at the same time, it's clear in the legislation, in section 121: As long as someone qualifies at age 16 and 17, or at any age under that, then they can have that offer of care, if they were either in care or eligible for care. So we do have that extension.

My main reason to be here is to say that this should be mandatory. That offer should be mandatory; it should not be something that is left permissive in the legislation. Things that are left permissive often don't get done when there are cost constraints.

**Miss Monique Taylor:** Yes, I believe the words "as prescribed" are in the legislation 206 times by the way we found it. I can only imagine how many times the word "may" is in this legislation, because it's quite a lot. It really doesn't leave any teeth to be able to make sure that there is legislation ensuring that the child does get the central focal point and that the child's best intentions are always at the centre of the decision being made.

I probably don't have a lot of time, but I'm willing to give it to you if you have any final words that you'd like to share.

**Mr. John Stapleton:** I'd like to share that for the Provincial Advocate for Children and Youth, I prepared a cost-benefit analysis called 25 Is the New 21. It showed that there is, in fact, although modest, a cost-benefit to providing services. If we're worried about the cost, we have the data, we have the numbers, we have the math that shows that there is a modest cost-benefit to extending all of those services to age 25.

I'd also say that this report has been taken up in other provinces and internationally, most recently in Japan—the methodology that we used on aging out of care.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. To the government side: Mr. Potts.

**Mr. Arthur Potts:** Thank you, Chair, and thank you, Mr. Stapleton. Great to see you again. I hope to see your dad at Remembrance Day again, but all in good time.

I want to go back and focus on your concept of "must offer." It's very short and simple, but it so clearly gets to the whole issue of the youth voice. You're putting it out there, and then they can receive it if that's what they'd like to do—and the whole consent piece of it. I admire that.

I wasn't aware of the work that you were doing in this area, so it was quite fascinating to hear about the research and such. I'm sure our staff will be taking under advisement some of the ideas and the cost-benefits of moving to 25. If you get into our new guaranteed income pilots, that might get caught up in that type of scenario so that youth also can access a guaranteed income, which would give them the kinds of supports that they need.

I don't have a lot more to add, but I just very much appreciate you being here and bringing that in. Thank you very much.

**Mr. John Stapleton:** Thank you. Of course, if we do a randomized control trial in the basic income, then there should be one or two youth who have aged out of care who would actually be part of that.

**Mr. Arthur Potts:** That would be excellent. Thank you.

**Mr. John Stapleton:** Thanks.

**The Chair (Mr. Shafiq Qaadri):** Thank you very much, Mr. Potts, and thanks to you, Mr. Stapleton, for your deputation.

#### MILLAN AND ASSOCIATES

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenters to please come forward: Ms. Mills of Millan and Associates and your colleague. Thank you.



Please be seated. You've seen the drill. Your time begins now.

1540

**Ms. Cierra Mills:** Thank you for providing me with this opportunity. I am an adolescent. As an African Canadian adolescent, this bill does not recognize the African Canadian children, youth or families—

**The Chair (Mr. Shafiq Qaadri):** Sorry, could you just both introduce yourselves.

**Ms. Cierra Mills:** I'm Cierra Mills.

**Ms. Sonia Mills-Minster:** And I'm Sonia Mills-Minster.

**The Chair (Mr. Shafiq Qaadri):** Go ahead.

**Ms. Sonia Mills-Minster:** So we believe that it's important that the mention of African Canadians be embedded into the definition in the preamble and, also, the definition for "anti-black racism," due to the widespread disparities in education, health—the amount of African Canadian children and youth and families who are involved with the police and corrections, that it's important for us to have that.

**Ms. Cierra Mills:** No lead agency works with the African Canadian community or empowers our youth without mainstream strings or gains.

**Ms. Sonia Mills-Minster:** This is important because right now, the lead agencies do not have any African Canadians at the table. It's Europeans who are making decisions for African Canadians. How can we address disparities if we're not at the table? Funding is not given directly to our communities and we're not able to empower our community and our individuals.

**Ms. Cierra Mills:** The bill does not work with African Canadians in the way in which we traditionally work.

**Ms. Sonia Mills-Minster:** The issues pertaining to best practices for the child and best intentions for the child have been around for a very long time. With this, African Canadian families often include extra kin and extended family members, but how is this reflected in the bill?

The addition that we would also like to see is that African Canadians have a subtitle in the bill. So, maybe, move everything down and put "African Canadian" as section 5, then put in that the children's aid society has to have supports from the African Canadian community before they're apprehending, because the apprehension rates are alarming. There is a document by the OACAS that indicates that 65% of African Canadians are in fact involved in child welfare within the province of Ontario. That is absolutely significant.

The other things that we're looking at are advocates for parents because the children are one thing, but our African Canadian parents don't have anybody who is supporting them.

The other thing is the discrepancies between the services provided. Children's aid societies have the ability to use services that are for-profit and not-for-profit. Families do not. Often, they are economically disadvantaged

within the system, and then the wider gaps and disparities increase.

**Ms. Cierra Mills:** Under the child protection section and the best interest of the child, the following should be added.

**Ms. Sonia Mills-Minster:** In addition to the crown wardship reviews once a year, there should be a review of children who are actually in care, because, oftentimes, the children's aid societies have a habit of keeping the children in care for an extended period of time and, right before crown wardship, they either push them through to crown wardship or they've separated them from their children for almost two years. Then, when they put them back with the families, there is no family reunification process for them. They're expected to just make it work, make it go.

We're also saying that any apprehension should have somebody from the African Canadian community present, and cultural considerations made for African Canadian children, family and kin are imperative for their development.

**Ms. Cierra Mills:** The refugee process for families and children negatively impacts children whose parents who are detained in immigrant detention centres. There is a gap between the responsibilities between the federal and provincial government, i.e., no status provided to children and families.

**Ms. Sonia Mills-Minster:** So what we've seen—she didn't tell you that she's actually an immigrant and refugee student at Seneca-York. What she has seen so far is that when the children are detained and the families are detained, they don't have access to regular life, as children should. Oftentimes, the—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Mills and Ms. Mills. We now move to the NDP: Miss Taylor.

**Miss Monique Taylor:** Thank you so much for being here with us today and for preparing this submission. I agree with you. I was quite shocked that we didn't see more in the bill that was actually designed for African Canadians. After all of the work that's been done, I expected to see it there—the basis is there: First Nations and all of that. Black children and families are over-represented in our systems, in all of the systems that encompass this.

Go ahead, take my time, and let's hear what you have to say, because it's crucial that we hear it.

**Ms. Sonia Mills-Minster:** Thank you. What we had suggested is to expand the child advocate's position. We feel that it's important because within the educational system there are three main reporters. When children go to school, they're overreported. African Canadian children are overreported. When they go to seek help for services, whether it be from a hospital or from a residential service, they're overreported again.

When our community puts our children into the care of service providers and we say, "You know what? We need help. Our child is acting up," they apprehend our child. Children's aid societies come in and take our child.



The other thing is that the educational system—they're using informal IEPs and informal suspensions. It needs to stop. You're seeing that there is a decrease in suspensions. That's not true. They're using illegal methods to hide their numbers, and we want that outed; we want that to discontinue.

The other thing is that education is punitive for African Canadians. There's an issue with regard to precarious situations for refugee and immigrant individuals who are African Canadian as well. Because they're in care, they have no status; the children's aid society doesn't give them status. We know they're already over-represented in the judicial system, and once they are processed, they deport them where they have no kin.

The other thing that we said was, we know that we're 65% in care, so let the system look like us. Right now, when we go into MCYS, if we're looking at crown wardship, look at the managers. They're all not looking like us, yet we're 65% in care. How does that work?

Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. To the government side: Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here today and for your excellent contributions.

I guess, in general, one of the things I do want to say is that, as the PA to this ministry, I'm very happy that the minister responsible for children and youth is also the same minister responsible for the racism directorate. He is also—

**Mr. Arthur Potts:** He doesn't look like me.

**Ms. Sophie Kiwala:** He doesn't look like you; that's correct, or me. I'm pleased that he is also of a racial minority group. I think this will lend a good amount of credence to some of the values that we see are extremely important in this bill that are related to race.

The government has recently mandated the collection of race-based data in all children's aid societies and is funding the One Vision One Voice initiative that aims to provide cultural competency training to better serve African Canadians in the child welfare system. I'm sure that's something that you're well aware of. Now that we have this bill before us, it makes a commitment to recognizing and addressing systemic racism in the delivery of the child welfare sector.

I think that I would like to ask—and I apologize. Your name was again?

**Ms. Cierra Mills:** Cierra.

**Ms. Sophie Kiwala:** I would like to ask you if you could lend your voice to this question. I'm really interested in hearing what you have to say about this. Can you tell the committee what your thoughts are on what the next best step for the government is in addressing the overrepresentation of black and racialized families in the child welfare sector?

1550

**Ms. Cierra Mills:** I think there needs to be money put towards our community.

**Ms. Sophie Kiwala:** Sorry?

**Ms. Cierra Mills:** I think there needs to be money put towards our community.

**Ms. Sophie Kiwala:** Okay. How do we make sure that we're moving forward in a way that addresses the issue, say, apart from money? If we had lots of money, how would you see that it would be best used in the community, for example, and how would that bring about some positive change?

**Ms. Sonia Mills-Minster:** She's looking to me for help. If I could help her—

**Ms. Sophie Kiwala:** So what is your—

**Ms. Sonia Mills-Minster:** Remember: 17.

**Ms. Sophie Kiwala:** Sorry?

**Ms. Sonia Mills-Minster:** Seventeen.

**Ms. Sophie Kiwala:** What has your experience been like since you've been here, and if you had access—

**The Chair (Mr. Shafiq Qaadri):** My apologies, Ms. Kiwala. That question will remain rhetorical. To the PC side: Ms. Martow?

**Mrs. Gila Martow:** Thank you very much for coming in, both of you. We've heard from a lot of great youth who were in care and are now really advocating for, I guess, the next generations of kids who are in care to have it better than they had it. I really commend them. I think we are all inspired by them, the last couple of days.

Do you feel that it is of benefit if there are more mentorship programs, kids who have been in care, in the community to help out—like Big Brothers Big Sisters—with other kids who are in care, and do you know of any programs like that?

**Ms. Sonia Mills-Minster:** Definitely. We have one. I think that one of the issues is that the government keeps trying to reinvent the wheel. The programs that are out there that are currently operating for family unification and mentoring are not being utilized. They're not sharing the programs. And with regard to Sophie's—

**Mrs. Gila Martow:** Ms. Kiwala.

**Ms. Sonia Mills-Minster:** Yes, sorry, her question, One Vision One Voice, for example, provides a framework within children's aid societies. That's it. What the community actually needs is to build the capacity within the communities and individuals so that we're reaching children before they get to the care to require the One Vision One Voice. We need something that is proactive. The One Vision One Voice is within children's aid societies to provide a framework. What we would probably suggest is to provide infrastructure within the community to provide services to children and families so that they never have to ever use One Vision One Voice.

I support One Vision One Voice, but I never want families to be inside the children's aid societies because when you look at the money, if you're providing services proactively, the cost is significantly reduced. Once a child goes into care, the cost is astronomical; therefore to put services into systems—I would not support that. The services need to go in the community and, with regard to the lead agencies, that's why it's so important that there be an African Canadian lead agency, and that Irwin Elman—and his office—is also able to expand his



powers, because there is so much that is being untouched, and they're getting away with so many things. They are making and increasing the disparities within the African Canadian community. That all has to be unshovelled.

**Mrs. Gila Martow:** Yes, I've been told by some agencies that they actually make a big effort to hire social workers who are from specific communities. Do you have any thoughts on if we could do more with the present schools—we have so many unemployed teachers in the province—if we could maybe run programming after school and on weekends with qualified people to help in at-risk communities?

**Ms. Sonia Mills-Minster:** We need to help all the communities. Right now, the stats are that 70% of African Canadians live within the GTA—

**The Chair (Mr. Shafiq Qaadri):** I'll have to intervene there, as well, Ms. Martow. Thank you, and thanks to you, Ms. Mills and Ms. Mills.

### FAMILIES FOR ADDICTION RECOVERY

**The Chair (Mr. Shafiq Qaadri):** Our next presenter, I understand, is by teleconference: Mr. Addison and Ms. Hamilton. You're there?

**Ms. Angie Hamilton:** Yes.

**The Chair (Mr. Shafiq Qaadri):** Thank you. The Standing Committee on Justice Policy: You have five minutes in which to make your opening address, to be followed by a three-minute rotation of questions. Please begin now.

**Mr. Dave Addison:** Hi, I'm Dave Addison, a director with Families for Addiction Recovery, a Canadian registered charity founded by parents of children who have struggled with addiction from their early teens. We are a national organization, with most of our base in Ontario. Our mission is to support families affected by substance use disorder, or SUD, and to protect persons, particularly youth, struggling with SUD by:

- promoting publicly funded, timely, compassionate and evidence-based treatment;
- supporting research; and
- working to end stigma.

In 2011, at 12 years of age, my son Jason was diagnosed with depression and was hospitalized with suicidal thoughts. After his release, his struggles continued, his defiance grew, and Jason decided to move into a group home where marijuana became his drug of choice; high-risk behaviour increased, as well as self-harm, suicidal thoughts and hospitalizations.

Besides depression, Jason was diagnosed with anxiety and ODD, which is oppositional defiant disorder. It basically means he pushes against any authority or direction. As his decline accelerated, he was put on the top of the list for Youthdale's acute services unit. During the intake process, Jason was informed by an officer from the Provincial Advocate for Children and Youth that they could provide a lawyer for him to fight being held against his will. So Jason opted for this, and the province of Ontario paid for it.

Within a week, he sat before a tribunal of three people who decided against the recommendations of his parents and top adolescent psychiatrists that Jason should be released and put into the care of children's aid. CAS put our son into a non-therapeutic group home where his drug use and at-risk behaviour escalated, resulting in multiple criminal charges and hospitalizations.

When I was crying out for help, I was told by a CAS supervisor that they're "not an agency to serve kids at risk from their own behaviour" and that they're "not a mental health agency."

I called the Office of the Provincial Advocate for Children and Youth to ask for their help and they told me that "they only represent youth, not parents."

Today Jason is 18, and six years after his diagnosis, he doesn't have a single high school credit. He has a criminal record and continues to struggle with his mental health and addiction.

I appeal to you that as you consider amending this legislation, don't make it any more difficult for loving and concerned parents to get help for a child or youth suffering from mental health and addiction, even if they don't want the help.

Angie?

**Ms. Angie Hamilton:** At its core, addiction is an illness that results in self-harm. Without recovery, it can be a slow—or, in the case of overdose, a fast—suicide, whether intended or not.

There are two major barriers to the treatment of youth with addiction and mental illness. The first is the chronic underfunding of treatment for addiction, which has resulted in long wait times. The wait time at Pine River Institute is 16 months for a male and 13 months for a female. The second major barrier is that youth refuse treatment because they are unable to recognize or unwilling to admit that they need it.

When my son was 14, CAMH advised that he also had ODD and was abusing marijuana, but there was nothing we could do because our son did not think that he had a problem and it was his right to refuse treatment.

My son's life became so chaotic that he ran away and spent six months in a CAS group home. He received no treatment, his addiction worsened, and his mental health declined. This cost taxpayers \$76,500—the same amount it would have cost for six months of residential treatment. It caused our entire family great harm and immeasurable pain.

When my son was 15, we took him to the States, where the age of medical consent is 18, and we consented to treatment on his behalf. This illustrates our two-tiered medical system. We have those who have the know-how and funds to get their kids to the States for treatment, and the vast majority who do not.

Recently MP Bill Blair said this regarding the legalization of marijuana:

"How do we reduce the harm of this drug? How do we protect our kids? Because we recognize the science that it is very, very dangerous for the developing adolescent brain. That's why we want to keep it away from our kids.



We also recognize that the earlier they start to use it, the more frequently they use it and the higher the potency of what they use, then the risks increase.”

It is ironic that once our system fails, and our kids not only access marijuana but become addicted, there is little access to publicly funded treatment. How can it be that we care so much about keeping drugs out of the hands of our kids and so little about protecting our kids who are struggling with addiction?

We have three asks:

Ensure that this act, together with other relevant statutes, protect youth who cannot live at home due to their own addiction and/or mental illness by providing a comprehensive and standardized assessment and residential treatment as opposed to a CAS or youth justice placement.

Ensure that this—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Hamilton. We'll now move to questions. We're beginning with the government side, with Mr. Colle—three minutes.

1600

**Mr. Mike Colle:** Three minutes—okay. Anyway, this is a bit painful and ironic. I've been trying to help a family friend who has gone through the same hell that you've gone through, where they had a daughter about the same age who slipped into depression. Luckily, they had resources and they took the daughter to a treatment centre in Boston. They went there, and all they did was give her more pharmaceuticals. It didn't do any good.

They went back and forth to Boston for about six or eight months, then they went to Chicago, to another American residential treatment centre—same thing. They talked the talk and so forth, but again, more drugs, more pharmaceuticals—no care. They went there because there was nothing in Ontario. There's nothing in Canada, basically.

If you have a child who's going through depression, or like your child went through with the misuse of marijuana and so forth, there isn't really a place to take care of these young teenagers. Then you go through the Ping-Pong game of government agencies here in Ontario, and you find there's really nothing. I just don't know how you get the strength.

I know what my friend did is, she eventually got so fed up, she helped raise money herself. I couldn't get money out of the government. We've been trying for five years. For five years, I've tried to get one cent from the government to support this drop-in centre called Stella's Place. I don't know if you're familiar with it.

**Ms. Angie Hamilton:** Yes.

**Mr. Mike Colle:** She, again, raised her own money with her friends and family and so forth. Now, young people, like your family, go there. They get peer counseling. They get professional help. They get to share their experiences with other kids who help each other. But this is one person who had to do it because there is nobody in government to help them. How many of these kids are there?

Sorry to reiterate my story about my friend, but I can see what you brought up is—outside of this legislation, too. I mean, we can legislate like crazy, but if we don't have resources to help our kids here in Ontario, and are forcing them to go through the hell that you've been through as a family—and look what happened to your son there with that criminal record. It is just totally, totally discouraging to see that has happened.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Colle. To Mr. McDonell.

**Mr. Jim McDonell:** Maybe you could just finish what you were going through before? You weren't quite done.

**Mr. Dave Addison:** Yes, Angie, do you just want to finish?

**Ms. Angie Hamilton:** Great. Thank you so much. The second ask is to ensure that this act and other statutes that affect youth with addiction and mental illness, both as drafted and as they will be applied, comply with articles 3, 24 and 33 of the UN Convention on the Rights of the Child; and, finally, continue to involve affected families in the reformation of our systems.

We also endorse all of the points made in the written and about-to-be oral presentations of CMHO.

**Mr. Jim McDonell:** You took your child to the States and you found a successful program. Is that right?

**Ms. Angie Hamilton:** Yes, my son has received a significant amount of treatment in the States. Some programs are better than others, I have to say. He's been to four places. Three of them were excellent and one was not.

**Mr. Jim McDonell:** Is there a successful program—

**Ms. Angie Hamilton:** Oh, yes.

**Mr. Jim McDonell:** —or is it something that we just haven't got yet?

**Ms. Angie Hamilton:** Oh, no. I would say what Pine River Institute is doing right now in Ontario is excellent. It's very similar to the program my son was at with Caron. It was the best. There are also wilderness programs that are sort of initially for two or three months that are excellent.

**Mr. Jim McDonell:** I think, like everybody else—they have a friend or family member who has issues, especially with young children and not being able to, I guess, force them into care. That's a problem. Cases where people have been arrested—asking the police to actually mandate some care, but of course, they don't like to. But then they just go back and they're on suicide watch. It's just a horrendous story. Generally, somebody who is having those problems doesn't realize it themselves. Expecting them to step up for treatment just doesn't happen. I guess those are the cases you're looking at, but I know that certainly I've seen them where I am.

You would be advocating for some of these cases. We have the Pine Ridge in Toronto that works out quite well.

**Ms. Angie Hamilton:** Sorry, the Pine River Institute?

**Mr. Jim McDonell:** Yes.

**Ms. Angie Hamilton:** Yes.

**Mr. Jim McDonell:** It's a matter of funding and it's a matter of, through the act, being able to have parents



actually seek and—I hate to use the word—force treatment where needed.

**Ms. Angie Hamilton:** Yes. I would say that it's compassionate care. The most expensive outcomes for taxpayers and the worst outcomes for kids, families and society are untreated mental illness and addiction.

**The Chair (Mr. Shafiq Qadri):** To Miss Taylor of the NDP: three minutes.

**Miss Monique Taylor:** Thank you very much, both of you, for your preparation, for just knowing how important it is that you bring your story here to this committee, because our children's mental health is grossly underfunded. We can legislate all we want, but if we don't put the money into it, it's a shell game. That is concerning to me.

The fact that your family was with you, Dave, and your mental health doctor was with you, and you asked for the courts to do the right thing by your family, and they still chose to go ahead and do exactly the opposite—which was of no help at all to your son and really did nothing for the betterment of his mental health—is quite disturbing. I don't see anything in this bill that would make a difference in your family's case. Do you?

**Mr. Dave Addison:** No, and that's why I felt compelled to share Jason's story and hoped that it might be a catalyst to support these children who are in crisis, to protect them from themselves.

The bill is more about protecting from others—parents or guardians or CAS—if they might be infringing on the child's rights, but the child has to be protected from themselves. Mental health and addiction impedes their ability to make the best choice for themselves. Sometimes they need a loving, caring parent or a person in the system to take care of that child and have the right to force that care.

**Miss Monique Taylor:** You're absolutely right, and I think it's something that was missed—I'm not saying intentionally on anybody's part. But that's why it's so important that you're here today. Because families are not cookie cutters, children are not cookie cutters, and we have to make sure that the system meets the needs of the families, which are ever-evolving, which are ever-changing with time. Families don't look the same as they did 50 years ago or 100 years ago.

That's the importance of this bill: to make sure that, going through in the future, we are bold in the decisions of how it's going to change and what the system is going to look like, and that the system meets your family's needs, regardless of what your family looks like and what its needs are: that it's fitting you, that it's built so that it can surround you, and that it's not built so that you're over here and the system is saying, "Well, we've got to be over here," because that doesn't work.

Again, the wait times for addiction services: 16 months for a male. Okay, so we're getting them to possibly agree to something today, but 16 months down the road, are they still going to be agreeing? Are they going to be further into drug addictions?

**Mr. Dave Addison:** Are they still alive?

**Miss Monique Taylor:** Are they still alive? That's the challenge. Thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Miss Taylor, and thanks to you, Mr. Addison, live, and Ms. Hamilton, by teleconference.

#### MS. SPARROW GARLOW

**The Chair (Mr. Shafiq Qadri):** I now invite our next presenter to please come forward: Ms. Sparrow Garlow. Welcome. Please be seated. As you've seen, you have five minutes to make your opening remarks, and then we'll have questions. Please begin now.

**Ms. Sparrow Garlow:** Thank you for inviting me here today. Just so you know, I didn't read the bill, but I am an expert on care. My name is Sparrow, and I am 14 years old. I am a crown ward.

I understand that the proposed Bill 89 is supposed to be more youth- and child-centred. I am writing about my experiences in foster care, and I'm wondering: Is the new legislation going to help other children and youth not have to experience what I did?

I came into foster care three weeks before my 13th birthday. I was placed in a group home for girls aged 12 to 18, but the residents when I arrived were 16 to 19 years old. The worker who placed me told me I was only going to stay there for the long Easter weekend, and then I would be moved to a foster home. I lived in that group home for 15 months, even though I kept asking for a new placement.

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This is what it's like to live in a group home: Being constantly watched—they wrote down logs that listed when I got up, if I left, what I ate, what I watched, who I talked to and if I completed my daily expectations. At the end of the day, they decided if I moved up a level and kept my privileges, or dropped a level and lost my privileges.

I needed to ask for mouthwash, shampoo and hygiene products. They wrote down when I showered and when I brushed my teeth.

Once, when I was 13, I was sick, and the group home staff sent me to the Teen Health Centre in a cab. I saw the doctor on my own and was diagnosed with an ear and throat infection. I got the prescription and the CAS form filled out, and then called the group home to call me a cab back.

All of the other girls at the group home had already been in foster homes and had many chances before they got placed in the group home. Even while I was there, new girls came in who had been given foster placements, while I had been waiting in that group home. In my mind, I didn't need to be in a group home: I don't do drugs, I don't smoke, I don't drink, I go to school every day, I do not AWOL, I don't steal, I don't set fires, I am not violent and I am not suicidal. Yet I had to stay in that environment for 15 months.

When I asked my worker to be moved, she told me that she didn't want me to move around a lot. She also



said that she wanted to wait until I was adopted, even though I hadn't become a crown ward yet.

When I told my lawyer I wanted to move out of the group home, she wrote a letter to my worker and my worker got mad at me. My worker said she was trying, and that there were no spots available, although girls kept coming into the group home who managed to find spots during the time I was asking for a foster family. I believe that, as an Ojibwe youth, more effort should have been made to keep me out of the institutional setting of that residential group home.

The only reason I got a foster home placement was because I made a video about "what permanency means to me," and some worker I didn't know saw the video and got me a foster home.

Being a foster kid means having a lot of meetings, and I have no control over who attends these meetings. I just show up, and there are random people there. They could be social work students, coverage workers or whoever wants to be there. No one asks my permission. They openly discuss me and my experiences, even though I am not comfortable. I do not know these people and some of them I will never see again, but they know all about me and my story. I brought this up a few times; the workers nodded and agreed, and the very next meeting, there would be another random person.

During my first visit with my now foster mom, Family Court was brought up, and she asked me if I attended. My worker spoke for me, saying that no, I don't. I reminded her that I had been asking to go for a few months. I was never told about court until after it happened. After that meeting, I was told when court was and I did start attending.

In all my meetings with my lawyer and CAS workers, I was firm about the fact that I did not want my father to have access to me. After the crown ward order was signed by the judges and everyone else but me, I found out that my father is able to see me if I consent, which is not what I wanted in the order.

I wanted to have an access order with my mom who lives on-reserve, but my workers didn't want that. I kept asking, and finally, I refused to agree to sign the statement of agreed facts until access was approved with my mom, even though my lawyer was mad about the extra work. Then, my lawyer signed on my behalf.

I have a letter from my mom that talks about me speaking Ojibwe as a child and asking if I still speak it, so I know that I am Ojibwe, but my CAS paperwork had me listed as Six Nations on one form and Métis on another. No one asked me what I am. They asked my dad and believed him, even though he is not First Nation and has never supported my culture.

Now I'm in a foster home and I am a crown ward. My workers are telling me that foster care is not permanent and I need to be adopted. I will soon be 15 years old and have—

**The Chair (Mr. Shafiq Qaadri):** With apologies, Ms. Garlow, the floor goes to the PCs. Mr. McDonnell?

**Mr. Jim McDonnell:** Do you want to continue on with your ending?

**Ms. Sparrow Garlow:** I will soon be 15 years old and have been telling everyone I do not want to be adopted. I have written emails, made a video and spoken strongly in person, but my CAS workers tell me that, I don't know it yet, but I do want to be adopted.

I am hoping no one else has to face these challenges when they ask for help.

Thank you.

**Mr. Jim McDonnell:** Thank you. Are you now in a foster home?

**Ms. Sparrow Garlow:** Yes.

**Mr. Jim McDonnell:** And you're quite happy with that situation?

**Ms. Sparrow Garlow:** I am.

**Mr. Jim McDonnell:** And you'd like to stay there.

**Ms. Sparrow Garlow:** Pardon?

**Mr. Jim McDonnell:** And you'd like to keep that situation.

**Ms. Sparrow Garlow:** Yes.

**Mr. Jim McDonnell:** But you're being, I guess, pressured not to—to move on to adoption or—what grade in school would you be in now?

**Ms. Sparrow Garlow:** Grade 9.

**Mr. Jim McDonnell:** So you still have a few years left. What would you like to see or what would you recommend changing in the system?

**Ms. Sparrow Garlow:** I would want to see more people listening to youth when they ask for things or to be moved.

**Mr. Jim McDonnell:** Your requests seem to be quite simple, actually, and—just not listening. You were a total of 15 months in a group home.

**Ms. Sparrow Garlow:** Yes.

**Mr. Jim McDonnell:** If you had no option, what was that—I mean, was that experience—is there an alternative, I guess?

**Ms. Sparrow Garlow:** I don't know.

**Mr. Jim McDonnell:** It's a system we're trying to fix, that's for sure. Anything else that you wanted to say? Okay. Thanks very much for coming—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. McDonnell. Miss Taylor?

**Miss Monique Taylor:** Hi, Sparrow. Thank you so much for being so brave, coming before us today and, really, for being brave for the last couple of years of your life. It sounds like it's been pretty difficult, especially since you didn't want to be in that home in the first place. You said there were no other girls your age, that you were there with all older girls.

**Ms. Sparrow Garlow:** Yes.

**Miss Monique Taylor:** And something else that I picked up was that you didn't have a record and you didn't cause fires, so you felt like you were a bad kid being there. Is that how you felt?

**Ms. Sparrow Garlow:** Yes.

**Miss Monique Taylor:** That you were being treated like you were a bad kid, and here, in your mind, you're thinking, "I'm good and I do everything I'm supposed to do, and yet they have me here anyway." Is that what you



were trying to say? I feel really sorry for you for that and I feel really sad and I hope that when we get this right—that we can fix it so that that doesn't happen to other kids again. It's really important that you know that you didn't do anything wrong and that's just kind of where they put you because they needed to put you somewhere—without asking you, I guess, right? I find it also concerning—are you able to see your mom yet?

**Ms. Sparrow Garlow:** Yes.

**Miss Monique Taylor:** That's good. That's good. And nobody is forcing you to see your dad when you don't want to?

**Ms. Sparrow Garlow:** No.

**Miss Monique Taylor:** Okay; good.

Did you ever see any inspections happening in your house while you were there? Did you see people come through doing inspections?

**Ms. Sparrow Garlow:** No.

**Miss Monique Taylor:** Nothing that you recognized like that? Nobody ever talked to you about, "What's it like living in this house?" Did anybody ask you those kinds of questions?

**Ms. Sparrow Garlow:** No.

**Miss Monique Taylor:** Nobody ever asked you, while you were living in the house, other than your worker, what it was like to live there and if you were happy or if things were good.

**Ms. Sparrow Garlow:** No.

**Miss Monique Taylor:** They should have, shouldn't they have?

**Ms. Sparrow Garlow:** Yes.

**Miss Monique Taylor:** Yes, I agree with you. Thanks for coming today.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. To the government side: Ms. Kiwala.

**Ms. Sophie Kiwala:** Sparrow, thank you very, very, very much for coming here and for sharing your story with us. We're very fortunate to have had the opportunity to listen to your story. I can't tell you enough how much your story has impacted this committee. We've had a lot of testimony from a lot of different people who have all brought forward a lot of different angles about child welfare. I think your story has probably been the most impactful. I want to thank you for bringing it forward.

Sorry; my colleagues are probably wondering why this is so hard for me, but I was on my own when I was 15—when I was 14, actually. So we've got a lot in common. None of my colleagues here know that.

Your testimony will make a big difference. I want to assure you as well that this legislation is going to be child-centred. Children will be heard. I can assure you that that is going to happen. It's going to be very, very different from this point forward.

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I've already heard from you, from some of the other questions that you've answered, that you have seen some changes; that you will not be required to visit your dad when you don't want to. Stick to your guns. You're a small person, but you've got a powerful voice. I want

you to promise yourself that you will always depend on you and your own ability to say what's important to you.

Just in the last few minutes, do you have some things that you want to pass on?

*Interjection.*

**Ms. Sophie Kiwala:** Thank you.

**Ms. Daiene Vernile:** I want to say that of all of the people who have come before this committee for Bill 89, we're going to remember you. The fact that you were so well-spoken and you were so poised, I think, is a testament to how clever you are. You're very smart; you're going to be okay. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thanks to Ms. Garlow for your deputation.

#### MR. CHRISTOPHER YORK

**The Chair (Mr. Shafiq Qaadri):** We have our next presenter, Mr. Christopher York. Please come forward. I'll just let you know right now, Mr. York, that there's a vote coming in the Parliament soon, so we'll have to figure out what to do then.

Welcome. Please be seated. Please introduce yourself. Your time begins now.

**Mr. Christopher York:** First, I'd like to thank Ms. Garlow for attending and telling her story. I hope everybody here was playing really close attention to what she was saying because the bottom line is, that's a reality that's happening across this province every day. I'm not talking about just her; I'm talking about province-wide. I know this because, while you folks here are actually paid to sit here and listen to these stories and try to make the changes, I've personally travelled this province at my own expense, while living off of ODSP, helping these families try to navigate through a child protection system that is clearly, phenomenally and astronomically broken.

Your leader, the Premier, Kathleen Wynne, stated after the death of my grandson Kody Smart that if need be she would blow up the system and rebuild it as we know it from scratch. To this day, I haven't seen her put her money where her mouth is. She has done nothing.

You talk about changing the system and fixing it, but here's the reality—I'm going to show you something. I've got papers here. You just passed Bill 117, which Miss Taylor brought forward, which I commend. However, it was a badly watered down piece of legislation. You tied this man's hands—Mr. Elman—from being able to advocate for the families who are survivors of the tragedies that are happening, because he's not allowed to know the names of these children. How is he supposed to advocate for these surviving families? He can't. And while he did a fantastic job advocating for my family, it was only because I contacted him that he was able to help and make sure my grandson's funeral was paid for.

My grandson died as a result of decisions made by the children's aid society of Niagara. If anybody would like to meet him, he's right here. This is my grandson Kody Smart. This is what I have to remember of my grandson, who was 13 months old. He would have been three years



old today. This was because egotistical workers, who I was at the apprehension with—I said I would take him. They said, “No. The decision has been made.” I said to the worker flat out, “If you put him here with this grandfather, he will kill him.” The worker said, “It doesn’t matter.” I said, “You would put him with a known child abuser rather than with me?” The worker’s exact words—I have it recorded, and it disgusts me to no end; I’m using it in our civil suit for wrongful death—to me were, “We don’t care where the child ends up as long it’s not with you, because you won’t shut your effing mouth. And stop exposing us and pushing for oversight at Queen’s Park. Until you learn to do as we tell you, you’ll get nothing from us.”

My wife asked for extra visitation of our other grandchildren, who are currently in care. We got a letter back from the society, and the society says in this letter: “Concerning your request for additional access with Dakota and Carol, the society continues to support attending Brett’s scheduled visits”—which is my stepson—continues my wife attending every other Monday, which is one visit every two weeks, for one hour that she’s allowed to see our grandchildren. “We will not be increasing your involvement in visits at this time”—even though this government passed legislation for grandparents’ rights not more than three months ago. The society doesn’t care about that law. They’re telling the government, “We don’t care. We have the child. It’s at our discretion.” This needs to change.

If you want to change a system and make it actually work, do what they’ve done in Quebec: Get rid of the privately run agencies; make it government-run. I’ve dealt with the DPJ in Quebec. They actually are accountable. You would have automatic oversight, automatic accountability, less children dying in care.

In the last seven years in Ontario, we have lost more children who have died while in the care of the CAS than we lost in the war in Afghanistan, nation-wide. How many children in our province have to die in the care of the children’s aid society before it’s finally enough for the government to take a stand and listen? No more.

In Barrie just recently, in June, a child was found wandering the streets in a diaper. The man was arrested for having a grow-up in his basement. The Court of Appeal threw out his conviction because, it states—and this was the appellate court: “‘Police can enter a home without a warrant if they have reasonable grounds to believe it is necessary to do so to protect a person’s life or safety,’ the Court of Appeal said. ‘[That] does not give the police sweeping authority to enter a home without a warrant to investigate whether a child’s mother and father are good parents.’” The same rules apply for the children’s aid societies. What makes them above the police? What makes them any more powerful than them?

As it stands—I don’t know how many of you have ever had involvement with the children’s aid. I’m willing to bet none of you, because you’ve lived a fantasy lifestyle, being MPPs. You’ve come from wealthy families, six-digit figures—

**Ms. Daiene Vernile:** That’s not fair.

**Mr. Christopher York:** I’m not saying all of you. But like it or not, the CAS targets low-income families because they can’t afford to fight, and they know this. They’re stuck with legal aid lawyers who refuse to do what the parents are requesting them to do. They know that you can’t fire them because legal aid won’t allow you to change lawyers. So you’re stuck with a bad lawyer, your kids are getting removed, and they’re being made crown wards, and for nothing more than refusing to co-operate or because a society worker has a vendetta against you.

I’ve heard them called social workers. They’re not social workers because they’re not registered with the college. Legislation was passed in 1998, the social work act of Ontario, which they don’t follow because they don’t register. They use the words “child protection worker,” so they’re not accountable to anybody—

**The Chair (Mr. Shafiq Qaadri):** Mr. York, the floor passes to Miss Taylor.

**Miss Monique Taylor:** Hi. I’m sorry that you’re here again, but this time—

**Mr. Christopher York:** I’m going to be here every time—

**Miss Monique Taylor:** Hold on. Well, of course you are, but we know that it has been struggles every time that you’ve been here.

**Mr. Christopher York:** Yes, absolutely, it has.

**Miss Monique Taylor:** Right? It has been struggles. I’m hoping that we’ll be able to get legislation that moves forward and that does protect kids and that does give families the rights that they need to protect themselves also. It’s not going to be an easy job. I know that. But is there one thing, specifically, Chris, that—

*Interruption.*

**The Chair (Mr. Shafiq Qaadri):** Miss Taylor, I’m going to interrupt that. You have two minutes left, so you can hold the Chair to that. Then we still have rotations to our other colleagues, both the Liberal side and the PC side.

Mr. York and your colleague there, with apologies, we have a vote. I think we have five minutes in which to get there—yes.

**Mr. Christopher York:** I understand.

**The Chair (Mr. Shafiq Qaadri):** Please, stay put and don’t go anywhere. We are recessed.

*The committee recessed from 1628 to 1643.*

**The Acting Chair (Ms. Daiene Vernile):** Welcome back, committee members. We continue with Miss Taylor. Miss Taylor, you have two minutes left in your questioning of our delegate.

**Miss Monique Taylor:** Thank you very much, Madam Chair. Sorry for the interruption, but you know the way it goes around here.

If there was one thing that you could see in this bill that you think would make life better for families, what would it be?

**Mr. Christopher York:** Unfortunately, there’s nothing in this bill that could make life better for families.



The only way to do this is, you need to scrap the entire legislation and rebuild the entire system from scratch.

**Miss Monique Taylor:** But what would be the piece that you would want to see in the bill, is the question.

**Mr. Christopher York:** It needs to be more family-oriented, where they're actually working toward reunification and keeping families together. That's not what's going on here and that's not what's been going on across this province—and I say that with the utmost honesty because I've travelled this province, as you're well aware, on my own dime and expense, trying to right the wrongs. Believe me, the corruption is not just within the society; the corruption is in the police and it's in the courts. We currently have a judge sitting over child protection cases in the courts in Welland who actually sits on a board of directors for the CAS.

**Miss Monique Taylor:** So proactive services, ensuring that families are able to stay together, that they're able to overcome the challenges that they face: Is that what you think is missing?

**Mr. Christopher York:** Yes, absolutely. But at the same time, they also need to respect the rights of families under the Charter of Rights and Freedoms, because they're forcing their way through people's doors simply to investigate and find out if a parent is a good parent or not. There's nothing that gives them this authority to do so. Our home is supposed to be our most sacred place.

I'm not saying that they shouldn't be allowed to kick somebody's door in. If there's a child in need of protection, by all means.

**Miss Monique Taylor:** How do you know that, sometimes, if you can't get in? And I'm not saying it's right or wrong either way; I don't know.

**Mr. Christopher York:** I can only speak in my case. In my case, they knew that the children were safe because each time they've shown up at my door, I've brought my children to the door where they could see them and see they were safe, but that wasn't good enough for them. They said, "We want to inspect your home." There's nothing in the Child and Family Services Act that gives them the authority to inspect anybody's home—nothing.

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much. Our next questions for you are from our government side. Mr. Potts?

**Mr. Arthur Potts:** Thanks, Mr. York, for being here. I appreciate your passion. I'd like to believe and I sincerely believe and I hope that this is the piece of legislation the Premier promised, which will turn the system on its head, particularly because of its child-centred focus. I sincerely hope we've struck a better balance here that will have the children's aid societies and the police working in the child's best interest, which, more often than not, is with families.

I'm not going to pursue any other questions. If you want to add to that, you're welcome to, but in the interest of time, because we want to try to get everybody in—I appreciate you being here.

**Mr. Christopher York:** I would totally agree with you. I would hope that it would be more family-centred

and child-centred. However, unfortunately, since the last election in 2014, all I've seen is nothing but broken promises and empty promises of changes that have never come true. To be perfectly honest, with 18 months left to go in this sitting of the Legislature, I really don't see that happening, as long as we have the government we currently have. They don't seem to care.

I've been here many times: Ombudsman oversight bills, Bill 117, numerous different legislation for oversight of the CAS and to make these changes, only to see the legislation completely watered down and ignoring the rights of parents.

I've suffered two mild heart attacks and a mini-stroke since 2008 because of the stress caused by this agency. God forbid you tell them the word "no" because you'll feel their wrath. Believe me, I know it. I've been threatened by tasers and everything at the thought of the CAS coming through my door if I don't comply with them, believing they have more power than anybody and they can do whatever they want. And police are allowing it to happen because they believe they're a government agency when they're not. They don't have more power than the police, yet the police are complying with them because they believe they have to.

**Mr. Arthur Potts:** I just hoped that this legislation had been in place a lot earlier. It may have helped Kody; it may have helped Mr. Baldwin. That's our belief. But thanks for—

**Mr. Christopher York:** The only thing that would have helped my grandson, Kody, is egotistical workers not being able to have free rein and immunity under the act. The piece of legislation that's in that act, which grants them limited protection, actually done in good faith, needs to be removed.

If these workers were to start being held accountable, I can guarantee you would see a lot less children being apprehended, a lot less families being destroyed and a lot less workers jumping the gun and doing as they please and getting away with it—and in this case, getting away with murder.

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Mr. Potts. Our final questions for you are from Ms. Martow.

**Mrs. Gila Martow:** Hi. Thank you for coming in. I'm sorry I missed the beginning of your presentation.

I spoke earlier about a transition program, which is not available in Canada, but I think is interesting. We had some people who spoke about other countries that have interesting programs, where there is something between children being taken away from their families and just being left with their families. That's where the kids are brought to a centre from 7 in the morning until 7 at night, given three meals; they're brought in in their pajamas, they're given a bath and put back in pajamas. The parents come in for courses and training and interaction with professionals and with the children.

In this country that I'm speaking of, the kids are far less likely to be taken out of their home permanently. Do you feel there should be programs like that available



here; that it isn't just leave a kid or take a kid, that there is better support for the families who are maybe struggling and the kids come to the attention of the children's aid societies?

**Mr. Christopher York:** To be perfectly honest, it's really hard to say whether those programs would actually work, given the fact that we have a children's aid society in Ontario that is privately run and privately governed, and they're only accountable to themselves, but yet they're funded by our tax dollars to the tune of \$1.5 billion per year.

They don't have incentive to keep families together. Their incentive is to get children into their care because the more children they take into care, the more money they make. This is not about family-oriented things any more. This is about business to them, and they don't see children anymore. What they see is dollar signs, and, quite honestly, it's disgusting.

I know this first-hand to be true because I'm seeing it. If you want to save the government money, here's the way the government can do it: Take away that incentive. You do so by removing these private corporations and making it government-run. Now the government has an incentive to get these children back home and reunite these families and work together with them to keep them in the home, because now it's saving the government money by not taking these children into care. The more you take into care, the more money it's going to cost the government. You keep them in the home and you give them the supports they need. It's going to save the taxpayers millions and millions of dollars each year, because now, all of a sudden, these children don't have to be coming into care. We're not going to be short on foster homes; we're not going to have to worry about group homes. We'll have the care needed and the programs out there to do this, because the money that is saved can be better put into the system for programs to be there to protect and help those families who need it.

1650

**Mrs. Gila Martow:** Do we have a few seconds?

**The Acting Chair (Ms. Daiene Vernile):** You've got about 30 seconds.

**Mrs. Gila Martow:** I just want to say, for the record, that as far as I'm aware, the agencies are funded on a funding model that isn't a per-child funding model. They don't get more money if more children are taken into care, as far as I know.

**Mr. Christopher York:** Not anymore.

**Mrs. Gila Martow:** Thank you.

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much, Mr. York. We thank you for being here today.

#### CHILDREN'S MENTAL HEALTH ONTARIO

**The Acting Chair (Ms. Daiene Vernile):** Our next presenter is Kim Moran, with Children's Mental Health Ontario. Please come forward. Take a seat; make

yourself comfortable. Please start by stating your name and then begin with your presentation.

**Ms. Kim Moran:** Thank you very much. My name is Kim Moran. I'm the CEO of Children's Mental Health Ontario. We are the association representing Ontario's publicly funded child and youth mental health centres. Our primary goal is to promote a coordinated and high-quality system of care that puts children, youth and families first.

We have nearly 100 member organizations that operate in every region of the province, providing mental health treatment and support to children and youth with a range of mental health and addiction issues and illnesses which range from mild to moderate to highly intensive and which require a range of interventions, including intensive treatment delivered in residential settings.

Children's Mental Health Ontario and our members welcome the modernization encompassed in Bill 89. We believe that it provides an important opportunity to update and renew the legislative framework to better promote the needs of children, youth and families. But we believe there is an opportunity to improve it.

I think it would be helpful to start with a little bit of context. To put it plainly, children's mental health agencies are struggling. I listen to the stories of youth and I'll listen to them today. With a strong children's mental health system, you can help children and families who struggle with mental health issues, and that often prevents them from coming into child welfare and youth justice systems. We have to be mindful that a strong children's mental health system has repercussions throughout our whole system, and we should be thoughtful about that.

The community-based child and youth mental health sector has only seen two increases to base funding since 1992. That means funding to agencies has not even kept up with inflation, and services to kids with significant mental health issues erode every single day. The rate of inflation has been about 55% in the same period. Our sector estimates a budgetary deficit of more than 40%.

Data that we've collected indicate that the demand for intensive services is growing by about 10% each year. Right now, we estimate that there are more than 12,000 children waiting for services, some of whom wait up to 18 months. This is particularly concerning for agencies who deliver residential treatment. These centres, in particular, do their very best to stay open and provide treatment for kids who need it the most, kids who have very severe mental health challenges. But many will tell you that they have a hard time doing this with their funding levels shrinking. Many are closing beds, and those that are able to keep beds open are having a hard time hiring and retaining the type of staff that they need with the right levels of training and qualifications to deliver the complex forms of treatment that are often required.

Why is this context important when talking about legislation? A long-standing problem in the child and youth sector is that there is often no clear distinction between residential care and residential treatment. This problem is perpetuated with Bill 89.



In the health sector, the Excellent Care for All Act ensures that health care organizations deliver high-quality care focused on positive patient experience. But even though child and youth mental health and addiction centres do provide health care, they are not viewed as health care providers in legislation, and so they're not backed by the same level of investment that we see in health, nor are they subject to the same rigour when it comes to service quality.

With Bill 89, we would like to see the child and youth mental health agencies clearly defined as treatment providers, and to ensure their roles and responsibilities within our system of care are clearly articulated. This acknowledgement would provide a mechanism to ensure that children's mental health centres are properly resourced and can hire the right teams of interdisciplinary professionals, like psychologists, psychiatrists, social workers and others. But when the legislation doesn't differentiate between care and treatment, everyone's role becomes conflated.

Bill 89 makes an effort to improve accountability in the sector, but it does this by focusing on oversight mechanisms. For example, regional program supervisors would have extensive monitoring and inspection responsibilities. New residential licensing inspectors would also have the ability to initiate and conduct inspections with—

**The Acting Chair (Ms. Daiene Vernile):** One minute to go.

**Ms. Kim Moran:** Pardon me?

**The Acting Chair (Ms. Daiene Vernile):** One minute to go.

**Ms. Kim Moran:** Thank you.

We're committed to doing quality work, but the staff is struggling to do everything that is required with limited resources. Instead, we propose that the government go a step further to develop a quality improvement framework for our sector, to ensure that treatment is informed by the best available scientific evidence and delivered according to the levels of need across the province. To reinforce this, we would like to see a commitment to service equity in the legislation, to ensure that a child in northern Ontario has the same access to care, the same level of care and within the same time frame as a child in Toronto.

We are pleased to see that MCYS has committed to working together with us and with child and youth mental health agencies to address provincial quality through a phased approach, beginning this summer. This important work will help to identify gaps in our sector, including areas of improvement, and will help to ensure our sector is on track to meet expectations over time. We hope this work will translate into a greater focus on service quality and equity in the supporting regulatory framework.

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Ms. Moran.

**Ms. Kim Moran:** Thank you.

**The Acting Chair (Ms. Daiene Vernile):** Our first questions for you are from our Liberal caucus: Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much, Kim, for being here. It's great to see you here at Queen's Park again. I want to thank you as well for your fantastic work and advocacy that you are doing in the field.

We had an opportunity to chat for a few minutes just a little while ago. We've spoken a little bit about some of the great changes that are in the bill. I know that you're pleased that we're making these changes. I think that the authority to designate the lead agencies will be something that I expect that you'll be pleased about in the bill as well.

I'm wondering, though, if you can give us a little bit of an idea on what people are saying out there. What are the stakeholders saying? What are the families saying? Are they aware of what's going on, what's being discussed in the bill? Do you feel that there's a general awareness of some of the positive things that are in this bill?

**Ms. Kim Moran:** I would say that service providers and children and families—we work a lot with youth. For the youth whom we work with, their biggest issue is really around making sure that they have timely access to care. While they see legislative frameworks as very important pieces, it's hard for them to wrap their heads around the detail of the legislation. For them on the ground, the thing that they most see is, "Can we access the type of services we need when we need it?" Of course, as we've discussed, there are so many kids waiting that they don't see that.

I think, in the modernization of the language, they will see that in terms of change, as kids follow them through the need for children's mental health services. But I think what they see on the ground right now is still really those capacity issues: that they just can't get the services they need.

I also think that when they're in care—when we talk to kids who have been in residential treatment because they have very serious mental health issues, they will talk about the fact that they just can't see the type of therapist that they need.

For example, my daughter was in residential treatment, and she has very serious obsessive-compulsive disorder. Unfortunately, hers was about wanting to die. It was a suicidal obsessiveness, which is a really hard one to wrap your head around. She really needed very serious psychological help for a number of months. Unfortunately, the agencies just aren't funded to support psychological treatment.

If you can imagine, the way we had to access that is that we had to pay for it through our extended benefits plan that my husband has, and then have that person come into the residential treatment setting—really, a very awkward way to do things. You can imagine that, for those families who don't have access to those kinds of EAP plans, that's just not an option for them. For those kids—

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much.

Our next questions for you are from our PC caucus: Ms. Martow.



**Mrs. Gila Martow:** Thank you very much for coming in. You know what? I've spoken to a lot of child welfare agencies, as have my colleagues here. I think that they're hearing what I'm hearing, which is that a lot of the problems that they feel are in the system are because of long wait-lists for what I call the acute mental health facilities, of which there aren't very many, where people really need serious support.

Do you feel that there is a lack of coordination between the different ministries that fund, say, health care and mental health care, and then the children and youth services?

**Ms. Kim Moran:** Absolutely. You can see that the data is actually what shows the evidence of that. Right now, there's a 60% increase in hospitalization for kids with mental health disorders, as reported by the Canadian Institute for Health Information. Over the last decade, we've seen this huge increase in kids in hospital, and at the same time we've seen funding erode for services in the community for those same kids. It's not hard to make the link between eroding community services and the skyrocketing demand for hospitals. What we've seen is that those capacity issues just haven't been addressed. We see 12,000 kids waiting for moderate to severe treatment for their mental health issues, and there has to be a link there. In terms of the ministries collaborating to do that, we're just not seeing enough. They identified last week, I think, that they're working together more on this now, which we're appreciative of, but we would have liked to have seen action beforehand. There's really an immediacy and a crisis nature to it right now that has to be addressed.

1700

**Mrs. Gila Martow:** I definitely agree with you.

Do you feel that social media and things like that are exacerbating the mental health challenges for our children and youth?

**Ms. Kim Moran:** At any age, there were always issues in terms of how kids develop mental health issues. I don't think there's any scientific evidence yet that says that there's a difference in the number of kids getting mental health issues. What I think we've found is that because of the decreasing stigma, more kids are looking for service. Our data shows that there's a 10% increase in demand every year, and services just haven't kept up. That's why you're seeing waiting lists grow and grow and grow.

**The Acting Chair (Ms. Daiene Vernile):** Our final questions for you are from Miss Taylor.

**Miss Monique Taylor:** Thanks, Kim, for always doing the hard work to ensure that the voices of kids with mental health issues are heard and that the system needs are heard. You always do a good job of that.

Do you know how many actual residential beds we have lost in the last number of years?

**Ms. Kim Moran:** No, we don't. The funding was eroded by about 40% over that period, and agencies try to extend their funds as much as they can, so we're estimating that there have probably been 25% to 30% of the beds lost.

The thing we have to be mindful of is that in some of our work—we believe that some of the residential funding needs to be repurposed. There are other ways that we can treat kids, and some of the speakers prior to me have spoken to that. I think MPP Martow spoke about a transitional program. There are transitional programs in mental health that could be funded that really would deliver much better results for kids. We know that when kids stay at home and have services wrapped around them, it's much more effective for those kids. It's better for families, too. It just makes sense.

Part of what we're looking for on a go-forward basis is, we need to increase capacity, but we also need the increased flexibility to provide the clinical programs that really drive much better outcomes for kids.

**Miss Monique Taylor:** That's exactly where I was going to go next, because of our previous people who came before as presenters, who talked about their young children with mental health and addiction issues and the services that just didn't meet their needs, and how the services do not wrap around their families. Your own experience was that exact same situation.

All the legislation in the world isn't going to get it right unless it's fluid, to ensure that kids are being met where they need to be met, and that families are getting what they're asking for—because families know what their kids need.

Again, without the dollars, it's a shell game.

**Ms. Kim Moran:** It is. We need that clinical expertise that we don't have right now. In the investment that we've been looking for, it's about hiring—psychiatry, psychology, social work. Those are the clinical experts who really should have tailored treatment for those kids with the most significant needs. They know what's best for kids, and we know what's best—we know innovative programs that just need to be scaled up. It's just really a question of building that capacity.

**Miss Monique Taylor:** How long, Chair?

**The Acting Chair (Ms. Daiene Vernile):** You've got five seconds.

**Miss Monique Taylor:** Thanks, Kim.

**Ms. Kim Moran:** Thank you.

**The Acting Chair (Ms. Daiene Vernile):** That concludes our time for Ms. Moran.

Thank you for being here today.

DR. SALLY PALMER

**The Acting Chair (Ms. Daiene Vernile):** Our next presenter is Sally Palmer. I would ask that you come forward. Please make yourself comfortable.

**Dr. Sally Palmer:** Thank you.

**The Acting Chair (Ms. Daiene Vernile):** Please start by stating your name, and you can begin your presentation any time.

**Dr. Sally Palmer:** Sally Palmer is my name. I'm very grateful to the committee for inviting me to speak. I've been impressed, sitting here, by the sensitivity with



which you're handling the very heartbreaking material that we've heard from some of the young people.

My contribution comes from my experience over a period of 50 years, starting as a front-line worker in a children's aid society, then being a supervisor, a staff trainer, a professor of social work and a researcher.

I'm strongly recommending that we replace three of the terms in the act as it stands now with terms that are more humane and supportive of children and youth in care. The three terms that should be replaced are "apprehended," "committed," and placed in "custody."

This afternoon, we've been hearing and seeing some of the pain and the powerlessness experienced by young people in care. When they hear themselves referred to, in court or otherwise, as being "apprehended," "committed" or placed in "custody," it can be upsetting and demeaning for them. These terms are outdated and can add to children's negative feelings about living apart from their birth families. Saying that children or youth are "apprehended" suggests that their behaviour is out of control and they must be contained by force. Saying they are "committed" or placed in "custody" conjures up images of criminality, restraints and institutionalization.

Other jurisdictions have moved to using terms that are consistent with protecting and caring for children. In the United Kingdom, the Children Act 1989 describes placement in terms of "receiving a child into care." In Australia, the legislation describes an agency response to a child in urgent need of protection as "taking a child into provisional protection."

In Bill 89, if the word "apprehended" is meant to convey that the parent resisted placement, a kinder alternative would be to say the child was "placed in care without parental consent." Similarly, the word "committed" can be changed to "placement," and "custody" can be changed to "guardianship" or simply to "care."

In 2005, several members of the Children in Limbo Task Force—I think one of whom was here yesterday, Gail Aitken—published the results of focus groups they held with youths who were, or had been, in the care of seven different Ontario children's aid societies. The researchers asked the young people about their experiences of attending court hearings to determine their status in agency care, like making them into crown wards. The youths spoke about terms they heard in court that made them feel depersonalized and lowered their self-esteem. It's good to see that some of these terms, such as "society ward" and "crown ward," have been replaced in this new act by terms such as "children who are in interim society care" or "children in extended society care." Those are good things about the new act.

But the terms that persist in the new act which aren't good are "apprehended," "committed" and "custody." They can contribute to children's sense of being stigmatized and inferior to their peers.

**The Acting Chair (Ms. Daiene Vernile):** Thirty seconds.

**Dr. Sally Palmer:** Okay. As a youth in the study said, "Once other kids find out that you're in foster care, you

get looked at in a different way: it's like you get judged ... 'Oh, you are not with your parents? Oh, you're not with your relatives?' ... 'You must have done something wrong' or 'You're bad or something.'"

These negative terms also reflect attitudes and behaviour of administrators, social workers and caregivers.

**1710**

In summary, the language used in child welfare legislation can influence the self-image and behaviour of children and youth, as well as their treatment by people that work with them.

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Ms. Palmer. Our first questions for you are from MPP Martow.

**Mrs. Gila Martow:** Thank you so much for your presentation. I know it's been a long day for some of the people who have been here listening.

I don't know if you were here earlier in the day or not, but I did speak this morning about my late mother, who reprimanded her friend who said that her son was a bad boy. I think that we definitely want to get the kids to have good self-esteem. There's just no other way to put it. It's not their fault that they're in difficult circumstances.

Words are important. I think it's hard for a teenager to hear some of these words, and I don't know that a young child really understands what "apprehended" means, or the negative connotation of "committed." To me, actions are what I'm concerned about. If you have any concrete actions that you think would raise the self-esteem of the kids, perhaps schools being instructed to—I've heard of schools where the teacher doesn't say anything. A foster kid comes in and she doesn't explain to the class to include the kid. Maybe she knows that there's a birthday party the next week. What can our school system do to help?

**Dr. Sally Palmer:** Are you asking about schools now?

**Mrs. Gila Martow:** I'm just saying: What can we do to ensure that the kids have good self-esteem? I'm throwing out there that maybe the schools could be instructed to help.

**Dr. Sally Palmer:** I think the most important thing is the people who are looking after them. I think it's really important to have a good relationship between the foster carers and the birth parents, wherever possible. There's a tendency to forget about the birth parents after you put a child in care, and often foster parents feel that they shouldn't be communicating with the birth parents.

It's a bit like divorce. If you've got two parents who are working together for your own good and you can see they're co-operating, it's comforting to the children.

**Mrs. Gila Martow:** I think that's ideal, but a lot of times, the circumstances are so negative and the birth parents—the previous parents, as it were—are upset and angry and lashing out. I think it's difficult, but I think that you're right. I think maybe foster parents need to have more support.

**Dr. Sally Palmer:** Very good. I agree.

**Mrs. Gila Martow:** Thank you very much.

**The Acting Chair (Ms. Daiene Vernile):** Our next questions for you are from MPP Taylor.



**Miss Monique Taylor:** Thank you. It's nice to have you here, Sally. Thank you for all of the work that you've done. I know you have worked quite a bit on the child welfare system, and I know you have other thoughts other than what you decided to focus on today—I'm guessing that you do. Would you like to share some of those other things, other than these key words, which—this is not the first time we're hearing it, so hopefully this is something that sticks. Are there other focuses on the bill that you had?

**Dr. Sally Palmer:** I think my main focus other than this was what I just said to the last MPP. I actually did my PhD work on helping children with separation from their families. I discovered over the years that social workers are very uncomfortable with this, so they tend to steer clear of it. So the child begins to think it's taboo to talk about their families.

**Miss Monique Taylor:** I guess I see it differently than the other MPP, because I think that if we can build those relationships, as uncomfortable as they may be between the birth parents and the foster parents, that's a child's family. We heard it very clearly. We don't want our parents to argue about us. We want to be able to have discussions about us. Sometimes the conversations can be uncomfortable, but I think it's an adult's responsibility to try to at least be in a situation where they can talk about the kids that they're raising to ensure that they have the kid's best interests at heart.

Is there anything else that you would like to add today?

**Dr. Sally Palmer:** Well, I think that the ideal way to bring a child into care is to bring the parent with them—usually, it's the mother—so they know their mother knows where they are. You can begin to establish a relationship between the foster parent and the mother, and it's very comforting to the child.

A word like “apprehension” suggests that you rip the child away from the mother and they're better off without them. Again, I'm thinking that this is one way that we can improve things: by getting rid of those difficult words.

**Miss Monique Taylor:** It's a really interesting concept of bringing the mother into care with the child because there is always a mother's love, and nothing will ever replace that. It's very interesting. Of course, there's always going to be the situation that's the worst-case scenario, and that's not the scenario, but there are many families that just fall apart for poverty reasons—for so many reasons—and that could be some of that proactive work in ensuring, first of all, that we try to keep them out of care, and, if we have to bring them into care, that we bring them together, as an entity, to try to put that family back together, because that's not always the case—

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Miss Taylor. Sorry; you're not going to get a chance to answer that.

I'm going to go over now for our time with the Liberal side to MPP Colle.

**Mr. Mike Colle:** Thank you again, Sally, for your continued passion for children and this whole area. It's really incredible.

You made me think about this language, and, just listening around this table here, I know there are many words that have a negative connotation. If people around my riding hear the words “group home”—totally negative. “Treatment centre” is another. If you said, “My son's going to a treatment centre”—totally negative. “Foster homes” or “foster kids”—again, it almost denotes they are not real so-called “ordinary” kids, but “foster” kids. “Child welfare system”—the word “welfare,” I'll tell you, is not a positively received word in our society. Then we hear “children's aid society.” “The children's aid society is coming after you.”

So I think we have to look beyond—your words are dead on, in terms of “apprehension” and all these other words, like “committed”—but there are also these other words that are in this legislation that are used all over the place—it was used in here today—and I think those words should be given a second thought.

**Dr. Sally Palmer:** Good. I would just like to relate back, though, to Monique Taylor's mention of poverty and your mention of welfare. There's a really strong link between children coming into care and being poor. There was a study done in the London children's aid back in the early 1980s that showed that, for 83% of the children in their care, the parent was on social assistance. So they were very poor. That's why, as Monique knows, I'm working right now on poverty because, at the end of my career, I felt that a lot of those children could have stayed at home if they had had more money. Some of the young people mentioned this: “I could be at home if my parents had as much money as my foster parents.”

**Mr. Mike Colle:** Or look at the people who are in our correctional institutions: unemployed, learning disabilities, mental health issues; that's 75% of the incarcerated, I'm sure, in Canada.

**Dr. Sally Palmer:** Yes.

**Mr. Mike Colle:** Racialized minorities, indigenous people, poverty—so that's another whole big issue.

**Dr. Sally Palmer:** So we're trying to raise the rates of social assistance.

**Mr. Mike Colle:** Well, is it just about raising rates or is it about getting people jobs?

**Dr. Sally Palmer:** That's another way.

**Mr. Mike Colle:** Meaningful jobs, well-paying jobs, a good place to live, good health care—anyway, thank you. Sorry to go beyond—

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Mr. Colle, and thank you very much for being here and speaking to our committee this afternoon.

MR. DAVE D'OYEN

MR. DAVID GRANT

**The Acting Chair (Ms. Daiene Vernile):** Our next guests are Dave D'Oyen and David Grant. I would ask that you come forward. Make yourselves comfortable. Please state your names for the record, and begin your presentation any time.



**Mr. Dave D'Oyen:** Good afternoon, everyone. My name is Dave D'Oyen, pronounced « D'Oyen » if you are French. I'm on the Children's Aid Society of Toronto's community advisory committee that is addressing African Canadian and black needs.

**Mr. David Grant:** My name is David Grant. I'm attending Ryerson University right now in the master's program in social work. I am also a social worker at CAMH in the substance abuse and prevention program for African Canadian and Caribbean youth.

**Mr. Dave D'Oyen:** The purpose of our deputation today is to underscore two outcomes for you: One, how do we prevent the overrepresentation of African Canadian children and youth in care, and how do we ensure that their families and the children and youth are provided culturally relevant supports, as well as treated fairly? It's contextualized under two things: anti-black racism—a word that is often used but probably very misunderstood because it's become too much of a buzzword. This isn't to make reference to explicit terminology, such as racial slurs, but how the practice of anti-black racism is embedded in institutions through the policies and legislation that exist. That connects well with the United Nations International Decade for People of African Descent, which was declared in 2015 and should run until 2024, with the explicit purpose of promoting the human rights of African people as a group who have endured suffering in a different way, given its history of 400 years of enslavement. It's a distinct group whose human rights must be protected and promoted.

1720

I want to draw your attention to an event that was held last year courtesy of the provincial advocate's office, HairStory; it was probably mentioned earlier today. I've never been in a room where there was more heard than what I heard last October. I'm an altar server from Jamaica and I've attended probably 100 funerals, if not more, but I've never been around more hurt than I was in that room for the hour that it was. These were 100 young people from across the province who have had interactions with the child welfare system or the youth justice system. There were several things that came to mind. Never have they been more silenced. They felt completely voiceless. These were children who were spending several years in care, and no one had given the time of day or the recognition they've needed until they came to that event last year. They felt completely removed and isolated from their cultural communities, as well as local communities. If they used to live in Scarborough, maybe they could have been moved somewhere like Sarnia or Barrie—completely removed from where they used to be. So you've not only disrupted familial relationships; you've completely disrupted their connections to friends and other people and other relationships they've developed, whether they be in church or school or other places where they'd normally have interaction.

Then you look at the fact that they're placed with families who may not be from their own lived experience or cultural background. So who is there to connect with them and provide certain context? How do you have a

discussion about carding and other difficult topics that you see in the media when you're placed with families that simply don't have the history or the context to respond to you in a manner that is just beyond empathy and saying, "I'm sorry you're seeing this, and I'm sorry you're going through this"? You need to be able to offer young people more than that.

Finally, there is a serious stigma attached to being in care. I remember one of the young people last year said that she regrets entirely the decision she made to put herself in care because there are certain stigmas attached to that, and there are certain skills you don't develop. Nobody takes the time to teach you about budgeting and money management and just normal life skills.

Finally, no one believed that these people really cared. You're doing this as a matter of your job, minus the fact that you are here because these people are sworn to protect you and should provide those resources. They're really there as your nine-to-five people, and you become a number.

That's not what we're trying to do. To borrow from the Hippocratic oath, as elder Paul Hill would remind us, one of the core things around the Hippocratic oath is that you do no harm.

**The Acting Chair (Ms. Daiene Vernile):** One minute remaining.

**Mr. David Grant:** Just to touch on the concept of dehumanization: We have multiple points. As I was reviewing Bill 89 and looking at the section on mechanical restraints, secure de-escalation and warrants, we see this concept, this recurring theme of dehumanization from mechanical restraints. There's no explicit mention of preventive measures or talk of de-escalation strategies; there's no mention of that. That's a problem, because too often in the criminal justice system, in the child welfare system, it's always a reactive measure by a lot of these authoritative figures instead of preventive measures.

Specifically, if we look at warrants, especially in section 80, it says that now peace officers, as well as child protection workers, do not require a warrant to apprehend a child if they have a suspicion of risk or of safety on reasonable or probable grounds. That's a problem, because black families are already overrepresented in the child welfare system—

**The Acting Chair (Ms. Daiene Vernile):** Thank you, gentlemen. Our first questions for you are from MPP Taylor.

**Miss Monique Taylor:** Thank you. Please go ahead and finish.

**Mr. David Grant:** Okay. Thank you.

Just to show that if this part of the bill was implemented, there would be a dramatic increase in the number of black families and children who are involved in these intrusive systems, and there would also be continued criminalization and stigma with such context.

We really need to see what message we're sending to these black families because, second to the indigenous community, African Canadian people are the most vulnerable in society—the most vulnerable in education, the most vulnerable in child welfare, and they're over-



represented in criminal justice as well. We just really need to recognize that and need to work towards preventative strategies more than reactive. That's less use of force when it comes to solitary confinement and less use of force when it comes to handcuffing and placing these individuals in psychiatric facilities and in straitjackets and things to that extreme.

**Miss Monique Taylor:** Thank you. I have to tell you, one of the things that I heard today, and then you didn't say the words, but it rang in my head: "I had to teach myself how to be black." Because they were with white families growing up, and so then they had to figure out how to be black in a community where there is carding and there are all of these things happening. It just rang back in my head again, how important that is.

What's the solution? We have to hit the root of the cause, right? How do we stop kids from getting into care? Is it supports? What is it?

**Mr. David Grant:** What me and my counterpart, Dave, have been discussing is, as I said, preventative measures and using apprehension—I don't even like that word—but apprehension in the most extreme—

**Miss Monique Taylor:** But we want to stop it before we get to this.

**Mr. David Grant:** Exactly, and that's why I'm saying that more preventative measures—for example, if there is an issue with the family, connecting with African Canadian community organizations so that they can help collaborate with these authoritative figures in helping meet the cultural needs of these individuals, and just different preventative measures like that, and actually hearing their voices and trying to implement their voices in decision-making.

Youth, already, are marginalized and silenced in the decision-making process, especially in care. Black children are further silenced in the greater society. We really need to connect with these African Canadian organizations to really preserve that cultural identity, and also meet those cultural needs of this family, as well as additional support.

**Mr. Dave D'Oyen:** One of the things we're doing at the Children's Aid Society of Toronto, through our advisory committee, is that we've created a community connections working group that will look at different African Canadian organizations. Whenever someone is being brought into care—so at the point of intake—they will look at the case to provide that culturally competent lens. For example—

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much. I'm sorry to be the bad guy here, but I'm the person on the stopwatch.

**Mr. Dave D'Oyen:** Don't feel bad.

**Mr. David Grant:** No worries.

**Miss Monique Taylor:** Thank you.

**The Acting Chair (Ms. Daiene Vernile):** Our next question for you is from MPP Potts.

**Mr. Arthur Potts:** Thank you, gentlemen—David and Dave—for both being here and sharing your views. I just want to continue this line of thinking. In an ideal

society, it shouldn't matter where we place because there is no stigmatism, there is no racism, there is no issue, right? But we don't live in that society.

What we do live in is a society where there is a disproportionate number of racialized children in the system and a disproportionate number of families in foster care and adoption who aren't represented. So now you get into these geographical distances and the problems of taking—because you're trying to do that.

I have a constituent, and she wanted to adopt a baby. She adopted a baby from Ethiopia. Now, as that child is growing up, she's an active member of the Ethiopian community, although she herself is not Ethiopian; she's not a black person. So there is an opportunity that white families, for instance, can bring in indigenous children or can bring in black children and be culturally sensitive in doing so.

In the absence of more families from communities where it's culturally appropriate, can you envision a world where you could do interracial adoptions and it works?

**Mr. Dave D'Oyen:** We wouldn't dispute that that is possible, but do you know what? As I mentioned, carding and certain discussion that come up—for example, it's very difficult for white counterparts to even understand what microaggressions are. How do you relate to that? I struggle to verbalize it because it's a deep topic; it's heavy and it's tough. How do you even go about providing culturally competent means?

Then you have to think about how the young person is going to create their social identity. How do you define yourself to the people who are looking on at you? It's not something the parent is going to—your parent can only be there to say, "I'm sorry people are looking at you that way." The truth is, you don't have that cultural grounding. People in your own cultural community will have a hard time connecting with you because you also wouldn't have those stories and you wouldn't have those traditions that would have brought you into a deeper sense of belonging and identity, and you yourself will end up with an identity crisis.

**Mr. Arthur Potts:** I appreciate it. Thank you.

**The Acting Chair (Ms. Daiene Vernile):** Our final comment—

**Mr. Mike Colle:** Is there any more time?

**The Acting Chair (Ms. Daiene Vernile):** Oh, did you want to continue?

**Mr. Mike Colle:** No, don't worry about it. That's fine.

1730

**The Acting Chair (Ms. Daiene Vernile):** Our final comments for you are from MPP Martow.

**Mrs. Gila Martow:** Thanks for sharing your passion. I believe the children's aid societies when they say that they try to find a good match in terms of communities, in terms of culture, in terms of interests, but it's not easy. We're having a hard time getting people to foster care. Is there part of that—you said community connections, and I missed the other part before "group." Community connections—



**Mr. Dave D'Oyen:** Working group.

**Mrs. Gila Martow:** Working group. What can you suggest within that working group to encourage people within your community to foster? What supports could that working group offer to families to encourage them to foster?

**Mr. Dave D'Oyen:** Well, the purpose of the working group, really—whenever we make that list of organizations, it's really assessed at the point of a child being brought into care and whether they really need to be in care. Like I said, it's providing that culturally competent lens.

**Mrs. Gila Martow:** What about preventive, because your colleague was talking about preventive.

**Mr. Dave D'Oyen:** The preventive bit really deals with cultural competence. For example, one of the popular cases that came about is a teacher who reported a student for eating roti. Roti is just a traditional dish. That also doesn't come up well in the legislation, where it's speaking about meals necessarily being, let's say, well-balanced and nutritious. Traditional meals may be somewhat different to that, but they're traditional staples. They're not wrong and they're not bad, and it shouldn't be something that's reported.

I think we have to go to root causes. How do we get the families to buy into starting to be part of the foster care system or kinship system? It's to show them that these are institutions that are not there to disrupt the family and to create the further harm that they have created. If you have the systems persist as they are, there will never be any buy-in.

This is why black people are protecting their children not only from instances of hardship in education or child welfare, but police and other systems of government where there is high distrust. Because we don't know what is going to become of our people when they come into contact with these institutions.

**Mrs. Gila Martow:** Thank you so much for coming in.

**Mr. Mike Colle:** I was just going to ask if you've ever been to the Government Yards in Trench Town.

**Mr. Dave D'Oyen:** No, but I'm well aware. I am. During Christmas, I've had to make several visits to various areas, so I know that—

**Mr. Mike Colle:** Make sure you go to the Government Yards.

**The Acting Chair (Ms. Daiene Vernile):** Mr. Colle, please.

**Mr. Mike Colle:** Sorry.

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much, gentlemen, for being here this afternoon. For the record, I think we all like roti, don't we, members? Yes? Thank you.

**Mr. Dave D'Oyen:** Put that in the legislation.

#### MS. ANAYAH PHARES

**The Acting Chair (Ms. Daiene Vernile):** I would ask that our next presenter come forward: Anayah Phares. Anayah, am I saying your name correctly?

**Ms. Anayah Phares:** Anayah Phares.

**The Acting Chair (Ms. Daiene Vernile):** Thank you. Please have a seat. Make yourself comfortable. For the record, state your name. You can begin any time.

**Ms. Anayah Phares:** Anayah Phares.

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Anayah.

**Ms. Anayah Phares:** Thank you for having me here today. I come before you today in the capacity of a former youth in care who had an amazing experience in care. I still spend Christmas and Thanksgiving in my foster home. Just last week, I borrowed my foster mom's car to do some work.

I developed a program for youth in care. It's a mentorship program for—

*Interjections.*

**Interjection:** I can't hear.

**Ms. Anayah Phares:** —a peer mentorship program for youth in care. It's a tri-mentorship program, where former youth in care have an opportunity to use their lived experience to support youth who are aging out of care: to provide them with life skills, encourage them to pursue higher education and work with them to develop a social support system. We run out of the Queen West Central Toronto Community Health Centre. I am also a member of the policy directive committee that is working on the service model for 16- and 17-year-olds. So I wear many, many hats, and these are just a few that I thought I would bring to the room today and speak in that capacity.

Reviewing the bill—spending two days at the provincial advocate's office reviewing the bill and going through the changes—I couldn't help but notice that the preamble has many elements of Katelynn Sampson's Katelynn's Principle. But I couldn't help but notice that in this current bill, Katelynn still would not have a say and would still not have a voice. It was interesting to see that, in many aspects of the bill, 12-year-olds and under still do not have rights such as being a party to the court, such as asking for a review with the child and family services board. All of those rights are afforded to individuals 12 and over, and the bill acknowledges that all children are humans with rights.

I think the bill did an amazing job in terms of acknowledging the needs of First Nations—not only their needs, but also their cultural differences—and also making provisions to support their needs, to increase their outcomes.

To take it just one step further, in terms of enhancing the bill, it's important to also acknowledge the historical experiences of black children, youth and families within the child welfare system and how they compare to First Nations communities, in terms of their needs, in terms of their cultural experiences, in terms of the outcomes, and to have provisions within the bill to support black children, youth and families.

In terms of really narrowing in my thoughts and my suggestions for the bill—I work particularly with youth in transition. It's more preventive work, where we work with youth, ages 14 and up, to make sure that they have



the life skills they need ahead of time. We're raising the age of protection to 18; however, we're not offsetting the age of transition. My thoughts are, a youth goes into care at 17-and-a-half, and the circumstances in which this youth goes into care are as an apprehension that happens within their community. Six months later, that youth is out in the same community. How would that happen?

**The Acting Chair (Ms. Daiene Vernile):** One minute remaining.

**Ms. Anayah Phares:** Okay.

In terms of supporting youth in transition: Just to speak of the elephant in the room, it's really around housing supports for youth in transition—affordable housing.

The ministry put forward a policy directive last year that says that youth can remain in their foster homes up until 21, as long as they're in high school. I have youth that I work with who deliberately failed their classes last year, who had early acceptances to universities, just so they could stay at home. My thoughts are, why are youth now being asked to choose between progressing academically or keeping a roof over their heads?

In terms of where youth are transitioning to: It's unacceptable, quite frankly, in 2017 that youth are transitioning to shelters. Reports going back decades show that over 60% of homeless youth come from the child welfare system—

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much. Our first question for you is from MPP Kiwala.

**Ms. Sophie Kiwala:** Thank you very, very much for being here today, Anayah.

**Ms. Anayah Phares:** Thank you for having me.

**Ms. Sophie Kiwala:** Excellent deputation.

There are a number of things that I want to ask you—it's so hard in three minutes only. You've talked about quite a few of the barriers that are facing children who are transitioning out of care. What would you say is the largest one?

**Ms. Anayah Phares:** It's the elephant in the room: the housing barrier. It's unacceptable for youth to transition into shelters. We know they won't get out of those shelters.

**Ms. Sophie Kiwala:** We have a great organization in Kingston and the Islands where youth have an opportunity to actually rent an apartment in a supervised setting. They build up some credit, and it works out really well. I'd love to see, in the future, more opportunities like that.

I'm wondering, as well, if you can speak a little bit to what programs you feel would provide the best support to help youth leaving care.

**Ms. Anayah Phares:** As I do the work that I do, and even in my personal experience working with youth—in terms of programs, I think of life skills. I'm not talking about cooking or cleaning, because you can always pull up a YouTube tutorial that would teach you how to do that. I'm talking about real, resourceful, softer life skills.

Individuals in the system constantly tell us youth in care that we're so resilient, but they don't tell us what to do with this resilience. Like, how do I even capitalize on

this resilience? Can I go to my landlord and give him my resilience for rent this month? So it's really talking about how we maximize those softer skills.

1740

**Ms. Sophie Kiwala:** Okay. Thank you.

**The Acting Chair (Ms. Daiene Vernile):** You still have just over a minute. Thank you very much. Yes, MPP Martow?

**Mrs. Gila Martow:** I know you feel very fortunate that you had such a great foster mother and foster father as well—

**Ms. Anayah Phares:** Just mom, six girls—just her—teenagers.

**Mrs. Gila Martow:** Just a mom. I just want you to tell her for me that I am aware that she feels very fortunate to have you in her life as well.

You're talking about preventative—and we heard from some gentlemen just before you that there's not enough preventative being done. I think we have a lot to learn from what you're doing for preventative. But I'm wondering what we can do with kids who are older and maybe want to stay in the foster home and finish high school and get a job. Would you support that they help pay some room and board, or—what kind of transition? Because I can't imagine somebody working and still being in the home that they were in as a teenager in high school and not somehow contributing; or maybe they should volunteer, maybe they should save some money for the future so that when they leave, they'll have a certain amount of money in the bank. What would you recommend?

**Ms. Anayah Phares:** I was also very fortunate to have the opportunity to live, once I aged out, in a different home that was also a foster home, but I was renting out their basement for next to nothing. I do believe it's important to be able to contribute, whether it be financially within the means of that young person, but also, as I tell my youth that I work with who end up in really great homes: "Hey, rake the leaves, you know? Offer to shovel the snow." Those little acts of kindness can take you a long way.

**Mrs. Gila Martow:** Okay. That's a really, really wonderful thought. Thank you so much for coming in.

**The Acting Chair (Ms. Daiene Vernile):** Thank you. Our final questions for you are from MPP Taylor.

**Miss Monique Taylor:** Thank you for participating. You didn't grow up in the challenges of probably many young people who find themselves at the advocate's office, and yet you still felt how important it was to be part of the process to ensure that child welfare works for all kids and to recognize that you were a lucky one. I'm so grateful you were a lucky one. I'm so grateful. Please thank your foster parent for me also.

Um. It's been a long day and my mind is going pfft.

Maybe you could expand on the fact that you found Katelynn's Principle wasn't strong enough in the bill itself. How could it be stronger in the actual bill and not just in the preamble? Are you able to go there? If not, tell me so, but I believe you are.



**Ms. Anayah Phares:** Definitely. In terms of my thoughts on how to expand on Katelynn's Principle, one is just outright naming it. I think it's important to outright name Katelynn's Principle, and I think it's important to embed elements of that principle within the many different sections of the bill and really use those elements to develop proactive programs and services that can prevent this from happening again.

**Miss Monique Taylor:** You're not the first person that's been before us that has talked about mentorship. I hope that you get to be a mentor for many kids who are in the system, because I think you can do a lot of great stuff in helping to shape our future kids, because we know that they're not getting what they need currently in the system. I believe you have what it takes to help somebody along; even if it's only one person, it's okay, because that's one extra person that you've brought in to a different aspect. So thank you for all of the work that you do, and please don't ever stop.

**Ms. Anayah Phares:** Thank you.

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much.

#### MRS. PATRICIA BURTON

**The Acting Chair (Ms. Daiene Vernile):** I would now ask that Patricia Burton come forward. Please make yourself comfortable. You can begin by stating your name and begin your presentation any time.

**Mrs. Patricia Burton:** My name is Patricia Burton. I had a whole speech prepared for coming here today. I've discovered that many people before me today have spoken to many of the same concerns that I had, so I think I'm going to skip over most of it and just get to a few things.

A few people spoke of a parent and family advocate being needed. I would love to see that as well.

In this legislation, there are a lot of references to "no action shall be taken against a children's aid worker, even for wrongdoing, as long as they were acting in good faith." What is good faith? What is bad faith? This is not defined in this legislation, and I find it almost sickening that the children's aid workers are the ones protected in this legislation, not the children and families. It is the children's aid workers who have an immunity clause. I find that very concerning as well.

A prisoner has more rights than parents and families in this province—a prisoner. We decided that the jail in Penetang—it was not a good idea to have it privately run, and we made that publicly run again. But we're perfectly okay with our child welfare system being privately run in this province. What message are we sending to the entire world when we sit there and say that a prisoner's rights are more important than children's and families'?

Chris York touched a little bit on entering homes illegally, without warrants—without probable cause even, I have seen. There is no reason these steps cannot be taken. Warrants are extremely easy to get within minutes—telewarrants. A home is a very sacred place. There

is a clause that a child can be taken if at immediate risk of harm. So either the child is at immediate risk of harm or you can wait to get a warrant.

One thing I heard mentioned only once here—it was actually by Monique—was the word "love." There seems to be this huge ordeal that the word "love" is completely missing. We've talked about mental health; we've talked about addictions; we've talked about everything else, but children do best when they are loved. Mental health and addiction services work best when a child feels that love, and it's just not there in a lot of these environments that the children are being put through in this system.

The wording of this act—there's one particular thing that I find most worrisome. There's much more listed in my written submissions, but my biggest one is the multiple references to how a CAS worker can obtain confidential records, including medical, on anyone—it doesn't list on who—without a court order, warrant, or even consent. I find that extremely disturbing. When people's rights are being violated, we are no longer free. They're playing off this illusion, and it's not right. This fear of child abuse is what is sucking us in to wanting to make these things that are against our very fundamental freedoms in this country.

Somebody mentioned—and I can't remember who it was—"Well, how do we know the kids are safe if we can't get into the home?" Get a warrant. If they're in that much harm, you have every right to apprehend. But to go in military style, like what they did to my children—and before I go any further I would like to comment that my children were returned, with prejudice, with no protection findings, and a complete withdrawal by the children's aid society in court—with prejudice. Some of you might understand how significant that is in court. But they still have in their little files that all this information was verified—despite it all being proven false in court.

**The Acting Chair (Ms. Daiene Vernile):** Thirty seconds remaining.

**Mrs. Patricia Burton:** What good is ministry oversight if it is not enforced? I went to the ministry in my case, and nothing was done. Four of my six children were abused or neglected by children's aid, and not once while in my care—not once.

1750

The child abuse registry is being privately run by the CAS. We wouldn't dream of the sexual assault registry being privately run in this province or in this country—

**The Acting Chair (Ms. Daiene Vernile):** Thank you, Ms. Burton. Our first question for you is from MPP Martow.

**Mrs. Gila Martow:** It's very emotional and it's hard for you, and we appreciate it and we do need to hear what you have to say. I think that people understand that there are a lot of problems. Even in reporting, somebody could be mistaken; they could be vengeful; they could be all kinds of things, and it gets the ball rolling and it's difficult.

What do you suggest is the best way? Maybe to have a counsellor or a representative? Because we all know that



oftentimes, in a heated situation, the two parties can't speak to each other. That's why real estate agents do so well. Is there a community group that maybe people can call if the CAS is coming to call, if they feel that they're not able to advocate on behalf of themselves? What do you suggest?

**Mrs. Patricia Burton:** I think Irwin does a fabulous job, but he cannot touch any sort of case that's before the courts, which is a massive, massive, massive problem.

The example of my case: Eight times, I was taken to court, and each and every single time, I won in court. But the damage was already done to my children. The court system is so delayed and so slow that nobody can intervene. All of this legislation says that nobody can intervene when it's before the courts. That's a huge problem.

Not once in this legislation does it mention a family worker—only a child protection worker. That's not supporting a family; that's being there for the child. That's not supporting a family, because we're not having family workers; we're having child protection workers.

Maybe we need a worker for both—a worker who's just there for the parents, and a worker who's there for the child—and try and come together. But, right now, there isn't that. The parents have nobody. The parents have all of the responsibility of raising the children, but the parents have absolutely no rights.

**Mrs. Gila Martow:** That's very interesting, because the foster parents have a social worker designated to represent them and visit them and support them. I think that part of the problem is that there are so many cases, and we just never seem to catch up with the workload. But I think that we need to catch up with the workload and we need to do a better job. I really appreciate you coming in and speaking to us. Thank you.

**Mrs. Patricia Burton:** My family has suffered greatly.

**Mrs. Gila Martow:** I'm sorry.

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much. Our next questions for you are from MPP Taylor.

**Miss Monique Taylor:** Thank you, Patricia, for taking the time and for knowing the importance of coming before the committee and sharing your stories.

Obviously, it's oversight that's in need. I brought forward Ombudsman oversight twice. The government responded by giving the child advocate some of the oversight, which was welcomed and filled the need when it came to our children—

**Mrs. Patricia Burton:** Some of the need.

**Miss Monique Taylor:** —when it came to children and some of those pieces, but there is still a huge gap where families fall through. The process that's there isn't friendly to all families.

Do you see a solution of where we could go to have oversight? Because, remember, even it's the Ombudsman, you're still going to have to go through the board, the CFSRB, right? So what is the solution, now that we're starting to—the dust is settling now with Irwin, about what responsibilities he has—

**Mrs. Patricia Burton:** I have been at it a year, going from the ministry to every—I went as far up with every complaint procedure possible in my case. The CAS actually admitted wrongdoing in my case and actually admitted that they did it vengefully because of my political stance that they needed oversight. They actually admitted that in court: that they attacked me because I asked them to follow the law. That is disgusting.

Still to this day, every time, any oversight that I have tried—it's covered up; it's swept under the rug; it's, "Yes, we did wrong, but we don't care. We're not going to do anything about it."

What good is an apology now? It's just an apology. This should have never happened in the first place.

We really need somebody for the families and for the parents. If they have enough resources so that the foster parents can have a worker, there is absolutely no excuse for why the parents cannot have a worker.

**Miss Monique Taylor:** Do you think that any other—I'm trying to find the word that I use. I apologize; it's been a really long day.

Anyway, people thought that quite possibly, there needed to be another form of a board where families could immediately go to—

**Mrs. Patricia Burton:** Yes, even when it's before the courts. The court process is so slow, and that's part of the problem: The court process is extremely slow.

**Miss Monique Taylor:** How long were your kids out of your care while you were waiting for all these terms?

**Mrs. Patricia Burton:** It was nine weeks before I could get a temporary care hearing—nine weeks. Four of my six children were abused and neglected in those nine weeks.

**Miss Monique Taylor:** Thank you, Patricia.

**The Acting Chair (Ms. Daiene Vernile):** Our final questions for you this afternoon are from MPP Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here today, Patricia. Thank you for following the legislation. I'm wondering if you can talk a little bit about how, in an ideal world, if you were to create a system that you thought was perfect, what sorts of supports would you build into that system that would help children stay with their families.

**Mrs. Patricia Burton:** I think there's a huge problem with how every parent is just considered guilty. No matter what CAS says—"This may happen," or "We fear this"—there's no actual evidence. It's based on this fear, the current system—a fear of child abuse. Yes, kids really do get abused sometimes, but the reality is, it's rare.

There's a Criminal Code where child abuse is a crime. Child abuse actually falls under the Criminal Code of Canada as a crime. If somebody's not committing a crime—being ripped away from your parents? My son was apprehended on the eve of his sixth birthday. How do you think he feels about that, the night of his sixth birthday, being ripped away from his mother, crying himself to sleep in a foster home because of a brand new CAS worker on a power trip? It is disgusting that that was allowed to happen to my son, disgusting that my



three-month-old baby went over 11 hours without a bottle because the CAS couldn't find a website that states how often babies need to eat. This is in their official report to me from all my complaints that I filed.

In an ideal world, we need to help people. We need to help with the addictions. A lot of the reasons a lot of people don't come forward, youth with the addiction issues, is because "CAS is going to take me away." They want that love; they want that parental love, and it's so important. Love is considered a necessity of life. We need to offer these supports in the community. They have to be offered to everybody, not just those who are involved with CAS. I think that's a huge thing right now: "Oh, we'll offer you this if your child is in care," or "We'll offer you this if you sign this service agreement." No. It has to be offered to everybody equally, not just to this group or to that group. That's a form of discrimination in itself. It has to be across the board.

These services—the mental health services, the addictions, everything—need to be fairly distributed. Everybody should have equal access to these things.

**Ms. Sophie Kiwala:** How much time do we have?

**The Acting Chair (Ms. Daiene Vernile):** You have about 10 seconds left.

**Ms. Sophie Kiwala:** It always goes fast. Thank you very much for being here today.

**Mrs. Patricia Burton:** Thank you. Twenty years of this; I wouldn't miss it for the world.

**The Acting Chair (Ms. Daiene Vernile):** Thank you very much, Mrs. Burton.

**Miss Monique Taylor:** Chair, point of order.

**The Acting Chair (Ms. Daiene Vernile):** Yes, Miss Taylor.

**Miss Monique Taylor:** Thank you, Chair. I would like to be able to retable the motion that was brought up by my colleague this morning regarding the minister attending the committee.

**The Acting Chair (Ms. Daiene Vernile):** That is not a point of order. It almost being 6 p.m., I'm going to suggest to you that you bring your motion forward the next time we meet.

**Miss Monique Taylor:** There is a motion on the floor. I'm just asking for clarification.

**The Acting Chair (Ms. Daiene Vernile):** The motion was postponed before. You can bring it back when we reconvene on Thursday the 6th of April at 8:30 a.m.

Thank you very much, everyone. We are adjourned.

*The committee adjourned at 1800.*







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